



TOWN OF PLAINVILLE
WARRANT
for the
ANNUAL TOWN MEETING

MONDAY, JUNE 2, 2014
AT 7:00 P.M.

THE COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

To Either of the Constables of Plainville:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Plainville qualified to vote in town affairs, to meet in the Beatrice H. Wood Elementary School Auditorium, 72 Messenger Street, in said Plainville, on

MONDAY, JUNE 2, 2014

at seven o'clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1: To choose all other necessary Town Officers not chosen at the Annual Election of April 7, 2014.

ARTICLE 2: To consider and act on the reports of the Selectmen, and other Town Officers. (*Sponsor: Board of Selectmen*)

ARTICLE 3: To see if the Town will vote to have the Surety Bonds of the Collector of Taxes, the Assistant Collector of Taxes, Treasurer, Assistant Treasurer, and, Town Clerk placed with a Fidelity or Guarantee Company, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 4: To see if the Town will vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth and/or County for the construction, reconstruction and improvements of Town roads, and to authorize the Town Treasurer to borrow in anticipation of such funds, or do or act in any matter relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 5: To see if the Town will vote to amend the action of the June 3, 2013 Town Meeting, Article 5, and by doing so, amend the appropriation and transfer of \$412,084 authorized thereunder and instead appropriate and transfer \$272,259 from funds received by the Town of Plainville for Fiscal Year 2014 as so called "Chapter 90" monies for costs associated with road resurfacing, restoration, maintenance, and land or easement purchases or takings, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 6: To see if the Town will vote to appropriate and transfer \$272,257 or any other sum from funds received by the Town of Plainville as so called "Chapter 90" monies for costs associated with road resurfacing, restoration, maintenance, and land or easement purchases or takings, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 7: To see if the Town will vote to raise and appropriate, or to transfer from available funds, \$4,680 or any other sum to pay for services rendered to citizens of Plainville by South Norfolk County Association for Retarded Citizens, Inc., such payment to be made in accordance with a fee for services agreement to be entered into by the Board of Health on behalf of the Town of Plainville, or do or act in any manner relative thereto. (*Sponsor: Board of Health*)

ARTICLE 8: To see if the Town will vote to raise and appropriate, or to transfer from available funds, \$30,000 or any other sum for the payment of fees associated with the collection of ambulance billings, or do or act in any manner relative thereto. (Sponsor: Fire Department)

ARTICLE 9: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$31,300 or any other sum for the purpose of conducting an audit of Fiscal Year 2014 and a GASB 45 (Governmental Accounting Standards Board) valuation for the Fiscal Year 2013 to 2014 cycle, or do or act in any manner relative thereto. (Sponsor: Board of Selectmen)

ARTICLE 10: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$20,000 or any other sum for the Reserve Fund to provide for the extraordinary or unforeseen expenses as authorized by Sect. 6, Chap. 40 of Mass. General Laws, or do or act in any manner relative thereto. (Sponsor: Finance Committee)

ARTICLE 11: To see if the Town will vote to raise and appropriate, or to transfer from available funds, \$4,100 or any other sum to fund Plainville's participation in the programs and services of the Southeastern Regional Services Group, or do or act in any manner relative thereto. (Sponsor: Board of Selectmen)

ARTICLE 12: To see if the Town will vote to establish revolving accounts pursuant to Section 53E1/2, of Chapter 44 of Massachusetts General Law. Funds credited to said revolving accounts shall be only those identified below under “*Source of Funds*”, expended for purposes only as authorized under Section 53E1/2, of Chapter 44 of Massachusetts General Law and as identified below under “*Use of Funds*”, and shall be expended under the direction of those so indicated. Until later changed through the action of a subsequent Town Meeting, the annual amount expended from each revolving account shall not exceed the amount indicated below under “*Annual Expenditure*”.

<i>Source of Funds</i>	<i>Use of Funds</i>	<i>Expended Under Direction of:</i>	<i>Annual Expenditure</i>
1. Dog Licenses & Fines	Costs associated with the enforcement of the Animal Control By-Law	Board of Selectmen	\$15,000
2. Senior Center Rental Fees	Costs associated with the use of the Senior Center by those other than the Council on Aging	Council on Aging	\$10,000
3. Assessor's Map & Record Copying Fees	Costs associated with the copying and provision of Assessor's maps and records.	Board of Assessors	\$ 5,000
4. Fire Alarm Fees	Costs associated with the provision of Fire Alarm services	Fire Chief	\$55,000
5. Police Report Copying & Printing Fees	Costs associated with the copying and provision of Police Reports	Police Chief	\$10,000
6. Firearm Licenses	Costs associated with the provision and Production of firearms licenses	Police Chief	\$10,000
7. Use of Police Cruisers On Private Details	Costs associated with the maintenance of Police Cruisers	Police Chief	\$10,000
8. Use of Traffic Citations	Costs associated with the purchase of Police Cruisers	Police Chief	\$45,000
9. Library Fines	Costs associated with the Public Library	Board of Library Trustees	\$8,000
10. Cable Television Franchise Fees	Costs associated with the provision of Local Cable Access Programming	Cable Advisory Committee	\$30,000
11. Council on Aging Advertising	Costs associated with the printing of the Council on Aging Newsletter	Council on Aging	\$10,000

Or, to see if the Town will vote to do or act in any manner relative thereto. (Sponsor: Board of Selectmen)

ARTICLE 13: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$165,000 or any other sum to meet the Town's obligations for Medicare Taxes, said funds to be expended under the direction of the Town Treasurer, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

ARTICLE 14: To see if the Town will vote to approve the following amendments to the Personnel Bylaws within the Code of the Town of Plainville:

Appendix A
Wage and Compensation Plan - Fiscal Year 2015

Job Classification	Effective July 1, 2014 Range				
A. Executive Level					
Highway Superintendent	Minimum:	48,680.	Maximum:	64,020.	Base
Water/Sewer Superintendent	Minimum:	51,345.	Maximum:	79,200.	Base
Principal Assessor	Minimum:	49,430.	Maximum:	66,460.	Base
Park Director (Full-time)	Minimum:	47,985.	Maximum:	59,405.	Base
Park Director (Part-time)	Minimum:	23,995.	Maximum:	29,700.	Base
Executive Director, Council on Aging	Minimum:	41,505.	Maximum:	50,070.	Base
Planner	Minimum:	49,940.	Maximum:	68,660.	Base
Health Agent	Minimum:	45,695.	Maximum:	70,220.	Base
Outreach/Asst. Dir., Council on Aging	Minimum:	14.55	Maximum:	18.80	Hourly
Emergency Management Director	Minimum:	15.55	Maximum:	20.50	Hourly
B. Library					
Library Director	Minimum:	40,610.	Maximum:	52,750.	Base
H. Public Needs					
Bus Driver	Minimum:	15.00	Maximum:	18.80	Hourly
I. Seasonal					
Lifeguard, Head	Minimum:	9.75	Maximum:	16.15	Hourly
Life Guard	Minimum:	9.75	Maximum:	16.15	Hourly
Water Safety, Instructor	Minimum:	10.75	Maximum:	16.15	Hourly
Maintenance Apprentice	Minimum:	8.60	Maximum:	16.15	Hourly
Arts & Crafts Aide	Minimum:	9.15	Maximum:	16.15	Hourly
Recreation Assistant	Minimum:	8.90	Maximum:	16.15	Hourly
Recreation Aide	Minimum:	8.60	Maximum:	16.15	Hourly
Program Aide	Minimum:	8.60	Maximum:	16.15	Hourly
J. Part-time Hourly					
Land Use Coordinator	Minimum:	25.13	Maximum:	39.35	Hourly
Conservation Agent	Minimum:	11.80	Maximum:	25.00	Hourly
Patrolman, Special	Minimum:	16.15	Maximum:	19.70	Hourly
IT Systems Administrator	Minimum:	28.35	Maximum:	36.05	Hourly
Secretary, Senior	Minimum:	18.55	Maximum:	21.80	Hourly
Clerk	Minimum:	8.75	Maximum:	11.05	Hourly
Clerk, Senior	Minimum:	11.45	Maximum:	15.65	Hourly
Associate Librarian	Minimum:	15.40	Maximum:	20.00	Hourly
Librarian, Children's	Minimum:	13.25	Maximum:	19.50	Hourly
Librarian, Technician	Minimum:	8.75	Maximum:	12.55	Hourly
Library Page	Minimum:	7.85	Maximum:	10.35	Hourly
Custodian	Minimum:	9.10	Maximum:	13.45	Hourly
Laborer, Apprentice	Minimum:	8.00	Maximum:	9.00	Hourly
Laborer	Minimum:	9.15	Maximum:	13.45	Hourly
Laborer, Skilled	Minimum:	14.85	Maximum:	17.40	Hourly
Driver, Highway	Minimum:	12.05	Maximum:	17.60	Hourly
Dispatcher	Minimum:	16.15	Maximum:	20.50	Hourly

K. Inspector-Annual Rates:

Building Inspector	To be paid at an hourly rate of \$25.00 and an additional annual rate of compensation equal to 15% of those amounts collected in fees and remitted to the Town Treasurer, or such lesser dollar amount as may be mutually agreed upon between the Inspector and the Board of Selectmen.
Assistant Building Inspector	\$35.00 per hour or per inspection whichever rate is higher.
Wiring Inspector	To be paid at an annual rate equal to 80% of those amounts collected in fees and remitted to the Town Treasurer, or such lesser dollar amount as may be mutually agreed upon between the Inspector and the Board of Selectmen.
Assistant Wiring Inspector	\$35.00 per hour or per inspection whichever rate is higher.
Plumbing and Gas Inspector	To be paid at an annual rate equal to 80% of those amounts collected in fees and remitted to the Town Treasurer, or such lesser dollar amount as may be mutually agreed upon between the Inspector and the Board of Selectmen.
Assistant Plumbing & Gas Inspector	\$35.00 per hour or per inspection whichever rate is higher.

ARTICLE 15: To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41, General Laws, as amended as follows:

	Authorized FY 14	Recommended FY15
Moderator	\$25. per meeting	\$25. per meeting
Town Clerk	\$61,483. Annually	\$ 65,689. Annually
Town Treasurer	\$55,937. Annually	\$ 58,500. Annually
Tax Collector	\$40,777. Annually	\$ 42,653. Annually
Selectmen, Each member	\$ 1,200. Annually	\$ 1,200. Annually
Board of Health, Each member	\$ 500. Annually	\$ 500. Annually
Assessors, Each member	\$ 1,500. Annually	\$ 1,500. Annually
Water – Sewer Commissioners, Each Member	\$ 1,000. Annually	\$ 1,000. Annually
Planning Board, Each Member	\$ 500. Annually	\$ 500. Annually
Library Trustees, Each Member	\$ 500. Annually	\$ 500. Annually
School Committee, Each Member	\$ 500. Annually	\$ 500. Annually
Tree Warden	\$ 7.50/hour	\$ 7.50 /hour
Constable	\$ 7.50/hour or \$3.00/posting	\$7.50 /hour or \$3.00 per posting

or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 16: To see if the Town will vote to appropriate and raise by borrowing, or otherwise, the following sums of money, or any other such sums as may be required to defray Town charges for the financial year beginning July 1, 2014, and expressly for the following purposes to wit:

GOVERNMENT	DEPARTMENT #	
Selectmen	122	\$ 243,678
Salaries	\$ 216,378	
Expenses.....	\$ 27,300	
Finance Committee	131	\$ 300
Expenses.....	\$ 300	
Town Accountant	135	\$ 73,224
Salaries	\$ 71,424	
Expenses.....	\$ 1,800	

Assessors	141		\$ 98,590
Salaries		\$ 89,515	
Expenses.....		\$ 9,075	
Treasurer	145		\$ 113,643
Salaries		\$ 86,953	
Expenses.....		\$ 26,690	
Tax Collector	146		\$ 96,300
Salaries		\$ 82,530	
Expenses.....		\$ 13,770	
Legal	151		\$ 46,400
Expenses.....		\$ 46,400	
Data Processing	155		\$ 29,460
Expenses.....		\$ 29,460	
Town Clerk	161		\$ 116,952
Salaries		\$ 111,457	
Expenses.....		\$ 4,595	
Out of State Travel.....		\$ 900	
Election	162		\$ 22,800
Expenses.....		\$ 22,800	
Board of Registrars	163		\$ 16,359
Salaries		\$ 11,359	
Expenses.....		\$ 5,000	
Land Use Coordination	170		\$ 54,552
Salaries		\$ 50,352	
Expenses.....		\$ 4,200	
Conservation Commission	171		\$ 11,000
Salaries		\$ 10,000	
Expenses.....		\$ 1,000	
Planning Board	175		\$ 2,700
Salaries		\$ 2,500	
Expenses.....		\$ 200	
Zoning Board	176		\$ 4,000
Salaries		\$ 3,000	
Expenses.....		\$ 1,000	
Building Maintenance	192		\$ 21,100
Expenses.....		\$ 21,100	
Town Insurance	193		\$ 164,750
Expenses.....		\$ 164,750	
Police Department	210		\$ 1,846,532
Salaries		\$1,619,032	
Expenses.....		\$ 167,500	
Capital.....		\$ 60,000	
Communications	215		\$ 405,426
Salaries		\$ 294,232	
Expenses.....		\$ 111,194	
Fire & Ambulance	220		\$ 1,882,951
Salaries		\$1,680,151	
Expenses.....		\$ 200,800	
Out of State Travel		\$ 2,000	

Call Fire Department	225		\$ 18,500
Salaries		\$ 14,000	
Expenses.....		\$ 4,500	
Building Inspection	241		\$ 82,986
Salaries		\$ 44,726	
Inspection Fees.....		\$ 25,000	
Expenses.....		\$ 13,260	
Plumbing & Gas Inspection	242		\$ 62,700
Inspection Fees.....		\$ 60,000	
Expenses.....		\$ 2,700	
Sealer of Weights & Measurers	244		\$ 5,000
Expenses.....		\$ 5,000	
Wiring Inspection	245		\$ 80,020
Inspection Fees.....		\$ 75,000	
Expenses.....		\$ 5,020	
Animal Control Officer	292		\$ 12,000
Salaries.....		\$ 9,380	
Expenses.....		\$ 2,620	
Tree Warden	294		\$ 3,000
Expenses.....		\$ 3,000	
Local Schools	300		\$ 7,908,340
Salaries & Expenses.		\$7,908,340	
King Philip Regional School	350		\$ 5,650,289
Salaries & Expenses.		\$5,024,189	
Debt Excluded from Prop 2 ½		\$ 626,100	
Tri-County Vocational School	350		\$ 1,090,581
Salaries & Expenses.		\$1,090,581	
Highway Department	422		\$ 423,389
Salaries		\$ 309,662	
Expenses.....		\$ 113,727	
Snow Removal	423		\$ 52,000
Salaries		\$ 22,000	
Expenses.....		\$ 30,000	
Street Lights	424		\$ 70,000
Expenses.....		\$ 70,000	
Sewer Department	440		\$ 594,846
Salaries		\$ 132,441	
Expenses.....		\$ 452,405	
Equipment.....		\$ 10,000	
Water Department	450		\$ 883,592
Salaries		\$ 254,392	
Expenses.....		\$ 617,200	
Equipment.....		\$ 10,000	
Out of State Travel		\$ 2,000	
Board of Health	510		\$ 125,451
Salaries		\$ 97,481	
Expenses.....		\$ 27,970	

Council on Aging	541		\$ 150,987
Salaries		\$ 116,187	
Expenses.....		\$ 34,800	
Veteran's Benefits	543		\$ 166,030
Salaries		\$ 5,280	
Expenses.....		\$ 750	
Benefits.....		\$ 160,000	
Library	610		\$ 198,648
Salaries		\$ 125,039	
Expenses.....		\$ 73,609	
Park Department	650		\$ 54,216
Salaries		\$ 50,541	
Expenses.....		\$ 3,675	
Historical Commission	691		\$ 5,750
Expenses.....		\$ 5,750	
Memorial Day	692		\$ 1,000
Expenses.....		\$ 1,000	
Maturing General Debt	710		\$ 111,000
Principal Expense.....		\$ 111,000	
Maturing Water Dept. Debt	710		\$ 237,721
Principal Expense.....		\$ 237,721	
Water Dept. Debt Due to N. Attleboro	710		\$ 29,050
Principal Expense.....		\$ 29,050	
Sewer Dept. Debt Due to N. Attleboro	710		\$ 200,204
Principal Expense.....		\$ 200,204	
Sewer Dept. Debt Due to N. Attleboro			
Excldd from Prop 2 ½	710		\$ 200,205
Principal Expense.....		\$ 200,205	
West Side Sewer Excldd from Prop 2 ½	710		\$ 144,860
Principal Expense.....		\$ 144,860	
Maturing Debt Excldd from Prop 2 ½	710		\$ 660,000
Principal Expense.....		\$ 660,000	
Interest on General Debt	751		\$ 43,243
Expenses.....		\$ 43,243	
Interest on Water Dept. Debt	751		\$ 61,537
Expenses.....		\$ 61,537	
West Side Sewer Excldd from Prop 2 ½	751		\$ 60,366
Interest Expense.....		\$ 60,366	
Interest on Debt Excldd from Prop 2 ½	751		\$ 151,494
Expenses.....		\$ 151,494	
Norfolk County & State Retirement	911		\$ 1,157,676
Expenses.....		\$1, 157,676	
Group Insurance	914		\$ 1,964,384
Expenses.....		\$1,964,384	

Or, to see if the Town will vote to do or act in any manner relative thereto.

ARTICLE 17: To see if the Town will vote to transfer from available funds, \$11,586 or any other sum for the purpose of proportionally funding the FY 2015 portion of a fifty third week of payroll for all municipal departments, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 18: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$12,000 or any other sum for the purpose of funding the tuition of Plainville students attending the Norfolk County Agricultural High School during the 2014 – 2015 school year, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 19: To see if the Town will vote in accordance with the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws to appropriate \$427,208 or any other sums for the purpose of operating a household waste collection, recycling, and disposal program; \$385,975 of such appropriation to be funded from Fiscal Year 2015 Trash Enterprise Revenue, \$35,833 to be funded from Trash Enterprise Retained Earnings, and \$5,400 to be raised as part of general revenue to cover the costs of refuse collection for school and municipal buildings, such sums to be expended as follows by and under the direction of the Board of Health:

Salaries.....\$ 44,188
Expenses.....\$383,020

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Health*)

ARTICLE 20: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$50,000 or any other sum for the purpose of updating Fiscal 2016 valuations, such funds to be expended under the direction of the Board of Assessors, or do or act in any manner relative thereto. (*Sponsor: Board of Assessors*)

ARTICLE 21: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$5,200 or any other sum for the purpose of funding the Assessor’s Appraisal Software License Agreement for Fiscal Year 2015, such funds to be expended under the direction of the Board of Assessors, or do or act in any manner relative thereto. (*Sponsor: Board of Assessors*)

ARTICLE 22: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$2,700 or any other sum for the purpose of funding the second year cost of a GIS database and software, such funds to be expended under the direction of the Board of Assessors, or do or act in any manner relative thereto. (*Sponsor: Board of Assessors*)

ARTICLE 23: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$5,000 or any other sum for the payment of fees associated with the collection of Medicaid Reimbursement for services provided by the Plainville School Department to eligible students, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 24: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$3,000 or any other sum for the purpose of administering employee physicals and/or psychological screenings for new hires or for such other employment purposes as may be deemed necessary by the Board of Selectmen, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 25: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$7,307 or any other sum to fund the fourth year payment of the four (4) year lease/purchase agreement for the Fire Chief vehicle, such funds to be expended under the direction of the Fire Chief, or do or act in any manner relative thereto. (*Sponsor: Fire Chief*)

ARTICLE 26: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$23,500 or any other sum for the purchase of four (4) personal thermal imaging cameras, such funds to be expended under the direction of the Fire Chief, or do or act in any manner relative thereto. (*Sponsor: Fire Chief*)

ARTICLE 27: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$7,500 or any other sum to fund the second year payment of a four (4) year lease for the Police Chief’s vehicle, such funds to be expended under the direction of the Police Chief, or do or act in any manner relative thereto. (*Sponsor: Police Chief*)

ARTICLE 28: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$25,000 or any other sum 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, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

ARTICLE 29: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$25,000 or any other sum to fund foreclosure costs of Tax Title properties, such funds to be expended under the direction of the Town Treasurer, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

ARTICLE 30: To see if the Town will vote to rescind the votes authorizing the appropriation of funds by borrowing as authorized under the following Annual Town Meeting articles, said amounts representing the unused portion of funds pertaining to the following:

June 14, 2010, Article 38, Sewer Mains – authorized but unissued: \$1,673,808

June 6, 2011, Article 24, Ambulance Purchase – authorized but unissued: \$3,500

June 13, 2011, Article 42, Public Safety Roof – authorized but unissued: \$24,900

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

ARTICLE 31: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$11,699 to be deposited into a Health Insurance Mitigation Account, such sum representing 12.50% of the Town's anticipated Health Insurance premium savings for fiscal year 2015; the creation of, and the use of such Mitigation Account having been agreed to in a Memorandum of Agreement between the Town and the Town's unionized employees, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 32: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$15,000 or any other sum to be used in conjunction with previously appropriated funds for the purchase of new voting machines, such funds to be expended under the direction of the Board of Selectmen, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 33: To see if the Town will vote to amend the Code of the Town of Plainville by adding under Chapter 398-17 **Temporary Repairs on Private Ways** (subsection 398-17 Violations and Penalties to become 398-18), the following:

A. Purpose and Authority

For the purpose of enabling safe and convenient passage for public safety vehicles and the public over private ways open to and serving the general public, the Selectmen may designate for temporary repairs in a particular year certain private roads that are open to the public, and town meeting may appropriate funds for said purpose, subject to the conditions set forth herein. No temporary repair may be made to any private way unless the Selectmen have previously determined that such repair is required by public necessity and an appropriation therefor is available.

B. Regulations

The Selectmen may adopt regulations for the general administration of this bylaw and proscribing deadlines and procedures for submission of petitions, and may determine therein or by vote from time to time which, if any, private ways open to the public may receive temporary repair, and the extent and types of repairs that may be made, subject to the availability of an appropriation.

C. Limits of repairs

Temporary repairs are limited to those as are determined by the Selectmen to be required as a public necessity, which may include repair of drainage facilities.

D. Road Conditions and Standards

At a minimum, each private road shall meet the following requirements:

- a. need not have been opened to and used by the public for any term of years prior to repair, but shall be open to the public following repair;
- b. a travelled and improved width of at least 12 feet wide and clear of overhanging branches or other obstructions for at least such width, to a height of at least 12 feet;
- c. a visible street sign at each terminus and significant intersections;
- d. serving as access to 9 or more residences and/or businesses.

E. Petition requirements

- a. No petition of property owners abutting the road is required;
- b. No cash deposit is required from any abutter.

F. Betterments

The Selectmen may assess betterments, according to the circumstances of each private way, including but not limited to consideration of the extent of the use of the road by the general public, but shall not be obliged to assess betterments.

G. Liability

The town shall not be liable for any damage to persons or property caused by such repairs, nor for a claim of public road status on account of such repairs.

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, to see if the Town will vote to do or act in any manner relative thereto.

(Sponsor: Board of Selectmen)

ARTICLE 34: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$25,000 or any other sum for the purpose of making temporary repairs to Branch Avenue such road being a private way open to and serving the general public, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

ARTICLE 35: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a certain sum for the purpose of making roofing repairs to the Town Hall, the Humphrey House, the Highway Garage, the Highway Salt Shed, the Senior Center, and the Plainville Library, as well as to perform necessary repairs to interior finishes which may have been damaged or impacted by roof leaks, such funds to be expended under the direction of the Board of Selectmen, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

ARTICLE 36: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, creating a Gaming Revenue Stabilization Fund, into which shall be deposited certain Host Community Payments received from the Plainridge gaming facility; provided, however, that the General Court may make clerical or editorial changes of form only to the Bill, unless the Board of Selectmen approve amendments to the Bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

AN ACT ESTABLISHING A GAMING REVENUE STABILIZATION FUND IN THE TOWN OF PLAINVILLE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of section 53 of chapter 44 or section 5B of chapter 40 of the general laws or of any general or special law to the contrary, there shall be established in the town of Plainville a Gaming Revenue Stabilization Fund to which shall be credited without further appropriation all Host Community Payments received by said town, pursuant to section 2.4 of the July 8, 2013 Host Community Agreement with Ourway Realty, LLC. (as subsequently assigned by Ourway Realty, LLC to Springfield Gaming and Redevelopment, LLC, with the consent of the town), as such agreement may be amended from time to time, as well as any monies appropriated or transferred to said fund by a 2/3 vote at an annual or special town meeting. Any interest accrued shall be credited to and become part of the fund.

SECTION 2. The Gaming Revenue Stabilization Fund established under section 1 of this act may be appropriated by a 2/3 vote at an annual or special town meeting only for capital projects, except as provided under section 3 of this act. The term "capital project" shall mean the acquisition of interests in land, acquisition of tangible assets or the undertaking of capital projects, which assets or projects shall have a useful life of 5 years or more and a cost of \$50,000 or more and which are not properly categorized as annual operating expenses and shall include the payment of debt service on capital projects, whether such projects were approved prior to or after the effective date of this act. Capital projects shall also include major departmental capital equipment, even if acquired on an annual basis, meeting the useful life and cost requirements of this section.

SECTION 3. Upon recommendation of both the Board of Selectmen and of the Finance Committee, monies in the fund, up to 2.5% of the amount raised by taxation by the town in the most recent fiscal year for which a tax rate has been certified under section 23 of chapter 59 of the General Laws, may be appropriated for non-capital purposes by a 4/5 vote at an annual town meeting or a 9/10 vote at a special town meeting.

SECTION 4. This act shall take effect upon passage.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 37: To see if the Town will vote to accept Chapter 31, Section 58A of the General Laws of Massachusetts which reads as follows:

Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 38: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, \$25,000 or any other sum, for the purchase of a Sander Body for the use of the Highway Department, such funds to be expended under the direction of the Highway Superintendent, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

ARTICLE 39: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, \$45,000 or any other sum, for the purchase of a Pickup Truck and Plow for the use of the Highway Department, such funds to be expended under the direction of the Highway Superintendent, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

ARTICLE 40: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, \$25,000 or any other sum, for the purchase of a Truck Lift System for the use of the Highway Department, such funds to be expended under the direction of the Highway Superintendent, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

ARTICLE 41: To see if the Town will vote to transfer \$200,000 or any other sum from Water Surplus to fund the cleaning and relining of the 6" water main lying within the easement from Taunton Street to Birchwood Drive, such funds to be expended under the direction of the Board of Water-Sewer Commissioners, or do or act in any manner relative thereto. (*Sponsor: Board of Water-Sewer Commissioners*)

ARTICLE 42: To see if the Town will vote to transfer \$230,000 or any other sum from Water Surplus to fund the installation of a new 8" water main and renew the water services to be attached thereto on Broad Street from South Street to Pleasant Street, such funds to be expended under the direction of the Board of Water-Sewer Commissioners, or do or act in any manner relative thereto. (*Sponsor: Board of Water-Sewer Commissioners*)

ARTICLE 43: To see if the Town will vote to transfer \$230,000 or any other sum from Water Surplus to fund the installation of a new 8" water main and renew the water services to be attached thereto on Cottage Street from South Street to Pleasant Street, such funds to be expended under the direction of the Board of Water-Sewer Commissioners, or do or act in any manner relative thereto. (*Sponsor: Board of Water-Sewer Commissioners*)

ARTICLE 44: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$20,000 or any other sum for the survey of the Downtown Business District and Old Wood School, or any combination thereof, for use in grant applications, such funds to be expended under the direction of the Redevelopment Authority, or do or act in any manner relative thereto. (*Sponsor: Redevelopment Authority*)

ARTICLE 45: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Edgewood Drive and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated off the northerly side of Warren Street in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the northerly side of Warren Street at the southwesterly corner of the described premises and the southeasterly corner of Lot 82, as shown on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003; thence

Northerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty two and fifty nine hundredths feet (52.59') to a point of tangency; thence
N21°11'08"E	a distance of fifty two and forty three hundredths feet (52.43') to a point of curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of seven hundred and no hundredths feet (700.00'), a length of one hundred thirty two and sixteen hundredths feet (132.16') to a point of tangency; thence
N32°00'10"E	a distance of two hundred nine and two hundredths feet (209.02') to a point on the easterly end of the southerly portion of Paddock Drive; thence
N32°00'10"E	a distance of fifty one and eleven hundredths feet (51.11') to a point of curvature; thence
Easterly	and curving to the right along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of fifty six and forty seven hundredths feet (56.47') to a point the previous two courses by the easterly end of the southerly portion of Paddock Drive; thence
Easterly	and curving to the right along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of one hundred six and three hundredths feet (106.03') to a point of tangency; thence
N47°42'52"E	a distance of one hundred forty two and thirty nine hundredths feet (142.39') to a point of curvature; thence
Easterly	and curving to the right along the arc of a curve having a radius of three hundred twenty five and no hundredths feet (325.00'), a length of one hundred ninety six and sixteen hundredths feet (196.16') to a point of tangency; thence
N82°17'49"E	a distance of sixty nine and sixty one hundredths feet (69.61') to a point of curvature; thence
Northerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty three and forty three hundredths feet (53.43') to a point of reverse curvature on the westerly sideline of Shire Way; thence
Southerly	and curving to the right along the arc of a curve having a radius of four hundred seventy five and no hundredths feet (475.00'), a length of twenty and forty four hundredths feet (20.44') to a point of tangency; thence
S02°42'11"E	a distance of one hundred one and forty nine hundredths feet (101.49') to a point of curvature the previous two courses by the sideline of Shire Way; thence
Westerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty eight and three hundredths feet (58.03') to a point of tangency; thence
S82°17'49"W	a distance of fifty nine and fifty two hundredths feet (59.52') to a point of curvature; thence
Westerly	and curving to the left along the arc of a curve having a radius of two hundred seventy five and no hundredths feet (275.00'), a length of one hundred sixty five and ninety nine hundredths feet (165.99') to a point of tangency; thence
S47°42'52"W	a distance of one hundred forty two and thirty nine hundredths feet (142.39') to a point of curvature; thence
Westerly	and curving to the left along the arc of a curve having a radius of five hundred seventy five and no hundredths feet (575.00'), a length of one hundred fifty seven and sixty eight hundredths feet (157.68') to a point of tangency; thence

S32°00'10"W	a distance of one hundred thirty eight and seventeen hundredths feet (138.17') to a point of curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of seven hundred and no hundredths feet (700.00'), a length of one hundred thirty two and sixteen hundredths feet (132.16') to a point of tangency; thence
S21°11'08"W	a distance of one hundred sixty one and ninety two hundredths feet (161.92') to a point of curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty four and ninety eight hundredths feet (54.98') to a point of tangency on the northerly sideline of Warren Street; thence
N68°48'52"W	a distance of one hundred twenty seven and thirty one hundredths feet (127.31') to a point; thence
N72°42'58"W	a distance of twelve and thirty four hundredths feet (12.34') the previous two courses by Warren Street to the point of beginning.

Meaning and intending to describe that parcel of land shown as Edgewood Drive on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 46: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Paddock Drive (northerly portion) and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated off the southerly side of High Street in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the southerly sideline of High Street at the northeasterly corner of the described premises and the northwesterly corner of land now or formerly of Andrew Kelson; thence

Southerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of forty two and seventy six hundredths feet (42.76') to a point of tangency; thence
S43°33'36"E	a distance of one hundred fifty nine and fifty two hundredths feet (159.52') to a point of curvature; thence
Southerly	and curving to the right along the arc of a curve having a radius of four hundred seventy five and no hundredths feet (475.00'), a length of three hundred forty five and seven hundredths feet (345.07') to a point of reverse curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of three hundred fifty and no hundredths feet (350.00'), a length of two hundred eighty four and forty five hundredths feet (284.45') to a point of tangency; thence
S48°30'08"E	a distance of one hundred fifteen and one hundredths feet (115.01') to a point of curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of two hundred fifty two and fifty one hundredths feet (252.51') to a point of tangency; thence
S71°39'00"E	a distance of one hundred sixty six and forty eight hundredths feet (166.48') to a point of curvature; thence
Southerly	and curving to the right along the arc of a curve having a radius of five hundred twenty five and no hundredths feet (525.00'), a length of three hundred thirty and forty four hundredths feet (330.44') to a point of tangency; thence

S35°35'16"E	a distance of fifty six and twenty hundredths feet (56.20') to a point of curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of thirty eight and thirty seven hundredths feet (38.37') to a point of reverse curvature on the northerly side of Paddock Circle; thence
Westerly	and curving to the left along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred and twenty four hundredths feet (100.24') along Paddock Circle to a point of reverse curvature; thence
Northerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of forty eight and thirty five hundredths feet (48.35') to a point of tangency; thence
N35°35'16"E	a distance of thirty eight and ninety eight hundredths feet (38.98') to a point of curvature; thence
Northerly	and curving to the left along the arc of a curve having a radius of four hundred seventy five and no hundredths feet (475.00'), a length of two hundred ninety eight and ninety seven hundredths feet (298.97') to a point of tangency; thence
N71°39'00"W	a distance of one hundred sixty six and forty eight hundredths feet (166.48') to a point of curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of six hundred seventy five and no hundredths feet (675.00'), a length of two hundred seventy two and seventy one hundredths feet (272.71') to a point of tangency; thence
N48°30'08"W	a distance of one hundred fifteen and one hundredths feet (115.01') to a point of curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of four hundred and no hundredths feet (400.00'), a length of three hundred twenty five and nine hundredths feet (325.09') to a point of reverse curvature; thence
Northerly	and curving to the left along the arc of a curve having a radius of four hundred twenty five and no hundredths feet (425.00'), a length of three hundred eight and seventy five hundredths feet (308.75') to a point of tangency; thence
N43°33'36"W	a distance of one hundred fifteen and eighty five hundredths feet (115.85') to a point of curvature; thence
Westerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of sixty seven and twenty hundredths feet (67.20') to a point of tangency on the southerly sideline of High Street; thence
N26°26'24"E	a distance of one hundred twenty seven and seventy hundredths feet (127.70') along the southerly sideline of High Street to the point of beginning.

Meaning and intending to describe the northerly portion of that parcel of land shown as Paddock Drive on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 47: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Paddock Drive (southerly portion) and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the westerly sideline of Edgewood Drive at the southwesterly corner of the described premises and the southeasterly corner of Lot 81, as shown on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003; thence

Westerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty four and ninety eight hundredths feet (54.98') to a point of tangency; thence
N57°59'50"W	a distance of thirteen and twenty four hundredths feet (13.24') to a point of curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of one thousand twenty five and no hundredths feet (1,025.00'), a length of five hundred sixty eight and nine hundredths feet (568.09') to a point of tangency; thence
N26°14'32"W	a distance of three hundred sixty seven and eighty eight hundredths feet (367.88') to a point of curvature; thence
Westerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of forty six and sixty one hundredths feet (46.61') to a point of reverse curvature on the southerly sideline of Paddock Circle; thence
Easterly	and curving to the left along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of ninety nine and sixty two hundredths feet (99.62') along Paddock Circle to a point of reverse curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of forty and twenty five hundredths feet (40.25') to a point tangency; thence
S26°14'32"E	a distance of three hundred seventy eight and eighty one hundredths feet (378.81') to a point of curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of nine hundred seventy five and no hundredths feet (975.00'), a length of five hundred forty and thirty seven hundredths feet (540.37') to a point of tangency; thence
S57°59'50"E	a distance of sixteen and eighty five hundredths feet (16.85') to a point of curvature; thence
Easterly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty one and thirty two hundredths feet (51.32') to a point of reverse curvature on the westerly sideline of Edgewood Drive; thence
Southerly	and curving to the left along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of fifty six and forty seven hundredths feet (56.47') to a point; thence
S32°00'10"W	a distance of fifty one and eleven hundredths feet (51.11'), the previous two courses by the sideline of Edgewood Drive, to the point of beginning.

Meaning and intending to describe the southerly portion of that parcel of land shown as Paddock Drive on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 48: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Shire Way and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the westerly sideline of Shire Way and the northerly sideline of Edgewood Drive at the southeasterly corner of Lot 26, as shown on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003; thence

Southerly	and curving to the right along the arc of a curve having a radius of four hundred seventy five and no hundredths feet (475.00'), a length of twenty and forty four hundredths feet (20.44') to a point of tangency; thence
S02°42'11"E	a distance of one hundred one and forty nine hundredths feet (101.49') to a point of curvature the previous two courses by the sideline of Shire Way; the previous two courses by the sideline of Edgewood Drive; thence
S02°42'11"E	a distance of one hundred forty and twenty one hundredths feet (140.21') to a point of curvature: thence
Southerly	and curving to the left along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of one hundred fifty one and seventy four hundredths feet (151.74') to a point of compound curvature; thence
Southerly	and curving to the left along the arc of a curve having a radius of one hundred fifteen and no hundredths feet (115.00'), a length of five hundred three and thirty four hundredths feet (503.34') to a point of tangency; thence
N87°23'22"W	a distance of fifty nine and ten hundredths feet (59.10') to a point of curvature: thence
Northerly	and curving to the right along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty one and seventy three hundredths feet (51.73') to a point of tangency; thence
N02°42'11"W	a distance of two hundred nine and forty nine hundredths feet (209.49') to a point of curvature: thence
Northerly	and curving to the left along the arc of a curve having a radius of five hundred twenty five and no hundredths feet (525.00'), a length of one hundred ninety two and twenty one hundredths feet (192.21') to a point of compound curvature; thence
Westerly	and curving to the left along the arc of a curve having a radius of three hundred twenty five and no hundredths feet (325.00'), a length of one hundred thirty five and seventy seven hundredths feet (135.77') to a point of reverse curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of thirty eight and fifty seven hundredths feet (38.57') to a point of tangency; thence
N15°31'56"E	a distance of sixty eight and sixty one hundredths feet (68.61') to a point of curvature: thence
Westerly	and curving to the left along the arc of a curve having a radius of one hundred fifteen and no hundredths feet (115.00'), a length of five hundred thirty eight and twenty one hundredths feet (538.21') to a point of reverse curvature; thence
Southerly	and curving to the right along the arc of a curve having a radius of two hundred seventy five and no hundredths feet (275.00'), a length of two hundred thirty four and eighty eight hundredths feet (234.88') to a point of compound curvature; thence
Southerly	and curving to the right along the arc of a curve having a radius of four hundred seventy five and no hundredths feet (475.00'), a length of one hundred fifty three and forty six hundredths feet (153.46') to the point of beginning.

Meaning and intending to describe that parcel of land shown as Shire Way on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 49: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Saddle Row and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the southerly sideline of Saddle Row and the westerly sideline of Paddock Circle at the northeasterly corner of Lot 73, as shown on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003; thence

Westerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of thirty five and three hundredths feet (35.03') to a point of reverse curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of eighty five and seventy four hundredths feet (85.74') to a point of tangency; thence
S84°44'13"W	a distance of two hundred forty six and eighty seven hundredths feet (246.87') to a point of curvature: thence
Westerly	and curving to the left along the arc of a curve having a radius of five hundred and no hundredths feet (500.00'), a length of one hundred two and seventy six hundredths feet (102.76') to a point of reverse curvature; thence
Northerly	and curving to the right along the arc of a curve having a radius of one hundred fifteen and no hundredths feet (115.00'), a length of five hundred eight and forty six hundredths feet (508.46') to a point of tangency; thence
S33°42'49"E	a distance of one hundred and sixty eight hundredths feet (100.68') to a point of curvature: thence
Easterly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of thirty seven and sixty hundredths feet (37.60') to a point of tangency; thence
N84°44'13"E	a distance of one hundred ninety two and fifty three hundredths feet (192.53') to a point of curvature: thence
Southerly	and curving to the left along the arc of a curve having a radius of five hundred seventy five and no hundredths feet (575.00'), a length of forty eight and seventy five hundredths feet (48.75') to a point of compound curvature; thence
Northerly	and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty two and ninety seven hundredths feet (52.97') to a point of reverse curvature on the westerly sideline of Paddock Circle; thence
Southerly	and curving to the left along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred two and sixty four hundredths feet (102.64') along the westerly sideline of Paddock Circle to the point of beginning.

Meaning and intending to describe that parcel of land shown as Saddle Row on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 50: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Farrier Way and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the northerly sideline of Farrier Way and the easterly sideline of Paddock Circle at the southwesterly corner of Lot 50, as shown on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated:

September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003; thence

Easterly and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of forty seven and sixty five hundredths feet (47.65') to a point of tangency; thence

N55°54'50"E a distance of thirty seven and sixty three hundredths feet (37.63') to a point of curvature: thence

Northerly and curving to the left along the arc of a curve having a radius of five hundred seventy five and no hundredths feet (575.00'), a length of three hundred seventy two and nineteen hundredths feet (372.19') to a point of tangency; thence

N18°49'36"E a distance of twenty four and thirty hundredths feet (24.30') to a point of curvature: thence

Northerly and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of fifty four and ninety eight hundredths feet (54.98') to a point of tangency; thence

N71°10'24"W a distance of thirty and no hundredths feet (30.00') to a point of curvature: thence

Northerly and curving to the right along the arc of a curve having a radius of one hundred fifteen and no hundredths feet (115.00'), a length of five hundred forty one and ninety two hundredths feet (541.92') to a point of tangency; thence

S18°49'36"W a distance of one hundred seventy four and thirty hundredths feet (174.30') to a point of curvature: thence

Southerly and curving to the right along the arc of a curve having a radius of six hundred twenty five and no hundredths feet (625.00'), a length of four hundred four and fifty six hundredths feet (404.56') to a point of tangency; thence

S55°54'50"W a distance of fifty two and thirty two hundredths feet (52.32') to a point of curvature: thence

Southerly and curving to the left along the arc of a curve having a radius of thirty five and no hundredths feet (35.00'), a length of thirty nine and thirteen hundredths feet (39.13') to a point of reverse curvature on the easterly sideline of Paddock Circle; thence

Northerly and curving to the left along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of ninety nine and ninety six hundredths feet (99.96') along the easterly sideline of Paddock Circle to the point of beginning.

Meaning and intending to describe that parcel of land shown as Farrier Way on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 51: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Paddock Circle and to authorize the Board of Selectmen to acquire the necessary fee ownership or easement for public way purposes in a certain parcel of land situated in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the easterly sideline of Paddock Circle and the westerly sideline of Farrier Way at the southwesterly corner of Lot 50, as shown on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003; thence

Southerly and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of ninety nine and ninety six hundredths feet (99.96') along the westerly end of Farrier Way to a point; thence

Southerly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred twenty five and ninety eight hundredths feet (125.98') by Parcel E and Lot 36 to a point at the northwesterly corner of Lot 36 and the northeasterly corner of the southerly portion of Paddock Drive; thence
Westerly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of ninety nine and sixty two hundredths feet (99.62') along the northerly end of the southerly portion of Paddock Drive to a point; thence
Westerly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred forty nine and sixty two hundredths feet (149.62') by Lot 74 and Lot 73 to a point at the northeasterly corner of Lot 73 and the southeasterly corner of Saddle Row; thence
Northerly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred two and sixty four hundredths feet (102.64') along the easterly end of Saddle Row to a point; thence
Northerly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred thirty two and seventy nine hundredths feet (132.79') by Lot 65 to a point at the northeasterly corner of Lot 65 and the southwesterly corner of the northerly portion of Paddock Drive; thence
Easterly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred and twenty four hundredths feet (100.24') along southerly end of the northerly portion of Paddock Drive to a point; thence
Easterly	and curving to the right along the arc of a curve having a radius of one hundred fifty one and no hundredths feet (151.00'), a length of one hundred thirty seven and ninety two hundredths feet (137.92') by Lot 51 and Lot 50 to the point of beginning.

Meaning and intending to describe that parcel of land shown as Paddock Circle on a plan entitled, "Definitive Plan of Land, Walnut Hill Estates – Plainville, MA"; dated: September 15, 2002 and recorded in the Norfolk County Registry of Deeds in Plan Book 510, Plan No. 441(A of 13) of 2003.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 52: To see if the Town will vote to amend the Town of Plainville Zoning Bylaw by adding the following section to **§500-16. Lot requirements:**

§500-16 (A) (2) Lot area. A principal building shall not be constructed on any residential lot unless at least 80% of the minimum lot area required in the Town of Plainville Zoning Bylaw §500-17 is "upland area". For purpose of this section only, "upland area" shall include all land not regulated as wetlands under MGL Chapter 131 Section 40 (Wetlands Protection Act), with the exception that bordering land subject to flooding and riverfront areas may be counted as "upland area". Lots created prior to the date of adoption of this section are exempt from this requirement.

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, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Planning Board*)

ARTICLE 53: To see if the Town will vote to amend the Code of the Town of Plainville by deleting **§472-6: Building restriction** in its entirety.

Existing Bylaw: (*to be deleted*)

§472-6: Building restriction.

A primary use building shall not be constructed on any residential lot, as defined in the Town of Plainville Zoning Bylaw §500-17, which contains, exclusive of a permanent body of water, 20% or more swamp and wetland, specifically referred to as Soil Association 2 and 3 on the Soil Association Map, dated February 1979 and on file with the Planning Board and Town Clerk.

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, to see if the Town will vote to do or act in any manner relative thereto.
(Sponsor: Planning Board)

ARTICLE 54: To see if the Town will vote to amend the Plainville Zoning Bylaw §500 Attachment 2 “Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw)”, by inserting a new category of use after the category of "Parking-Public" in “Commercial Uses” to read as follows:

	RA	RB	RC	RD	CA	CB	CC	CD	IA ¹⁵	IB	IC	WPD	TCD ¹⁶	TCD ¹⁷
Registered Medical Marijuana Dispensary	O	O	O	O	O	O	O	O	A	O	O	O	O	O

and to amend the Plainville Zoning Bylaw §500 Attachment 1 “Town of Plainville Intensity of Use Schedule (§500-17 of the Zoning Bylaw)”, by inserting a new note “k” in the column “IA” to read as follows: “See §500-44. Registered Medical Marijuana Dispensary.”

and to add a new section to the Plainville Zoning Bylaw - **§500-44- REGISTERED MEDICAL MARIJUANA DISPENSARY** to read as follows:

1. Purpose: To provide for the placement of a Registered Medical Marijuana Dispensary (RMD), in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in a location suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.
2. Definitions: Where not expressly defined in the Plainville Zoning Bylaws, terms used in this Article shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.
 - a. Registered Marijuana Dispensary: also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.
3. Location
 - a. RMDs may be permitted in the IA - Special Industrial District pursuant to a Special Permit from the Plainville Planning Board.
 - b. RMDs may not be located within 700 feet of the following:
 - (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - (2) Child Care Facility;
 - (3) Library;
 - (4) Playground;
 - (5) Public Park;
 - (6) Youth center;
 - (7) Public swimming pool;
 - (8) Video arcade facility; or
 - (9) Similar facility in which minors commonly congregate.

- c. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 3.b. to the nearest point of the property line of the proposed RMD.
 - d. The distance requirement may be reduced by twenty-five percent or less, but only if:
 - (1) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;
 - (2) The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.
4. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.
- a. Application: An applicant for a RMD shall be required submit the materials required under §500-39 Site Plan Review of the Plainville Zoning Bylaws, even if the thresholds outlined in §500-39(B) are not exceeded. In addition to the materials required under §500-20 and §500-39, the applicant shall provide the following information:
 - (1) A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
 - (2) a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
 - (3) detailed site plans that include the following information:
 - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - (b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (c) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 - (d) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - (e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - (f) Adequacy of water supply, surface and subsurface drainage, sewage disposal, trash disposal, MIP disposal and lighting;
 - (4) a description of the security measures, including employee security policies, approved by DPH for the RMD;
 - (5) a copy of the emergency procedures approved by DPH for the RMD;
 - (6) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 - (7) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 - (8) a copy of proposed waste disposal procedures; and
 - (9) a description of any waivers from DPH regulations issued for the RMD.
 - (10) if the RMD is determined to not be required to pay personal and/or real estate taxes, as may be applicable, provide proof of an agreement with the Town of Plainville on a payment in lieu of taxes.
 - b. The Planning Board shall provide copies of the application to the Board of Selectmen, the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, and Board of Water Commissioners. These boards/departments shall review the

application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

- c. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon such a permit.
5. Special Permit Conditions on RMDs: In addition to reviewing the application for compliance under the requirements of §500-20, the Planning Board shall also impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:
 - a. Hours of Operation, including dispatch of home deliveries.
 - b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
 - c. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.
 - d. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 - e. The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
 - f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.
 - g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
 - h. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.
6. Exemption from RMD Special Permit Requirement: RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a special permit, but shall apply for a Development Permit pursuant to §500-5 and Site Plan Review pursuant to §500-39 of the Plainville Zoning Bylaw.
7. Prohibition Against Nuisances: No RMD shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
8. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

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, to see if the Town will vote to do or act in any manner relative thereto.
(Sponsor: Planning Board)

ARTICLE 55: To see if the Town will vote to amend the Plainville Zoning Bylaw by deleting **§500-Attachment 6 Zoning Map** in its entirety and replacing it with a new map entitled “Town of Plainville Zoning Map” dated March 20, 2014, 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, to see if the Town will vote to do or act in any manner relative thereto. *A reduced copy of the proposed Zoning Map is attached to the Annual Town Meeting Warrant (Sponsor: Planning Board)*

ARTICLE 56: To see if the Town will vote to amend the Plainville Zoning Bylaw by deleting **§500-Attachment 3 Floodplain District Overlay Map** in its entirety, 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, to see if the Town will vote to do or act in any manner relative thereto. *(Sponsor: Planning Board)*

ARTICLE 57: To see if the Town will vote to amend the Plainville Zoning Bylaw, **§500-29(D) Signs in commercial districts**, to add the zone CD, and to add a new sentence to the end of §500-29(D)(1), with the additions shown below in italics and the text not being changed shown only for informational purposes,
Or take any other action relative thereto:

§500-29(D): Signs in Commercial districts. In Districts CA, CB, CC and *CD* the following signs are permitted:

- (1) One sign mounted on the face or roof of the building not to exceed altogether in area more than 15% of the front wall area of the building if occupied by a single business or enterprise. Where a building is occupied by more than one business or enterprise, all signs together shall not exceed 15% of the front wall area of the building, and each occupant shall be entitled to erect a sign which, in combination with all other permitted signs, would exactly total 15% of said front wall area and would be also proportionate to the amount of square footage occupied by the occupant in said building, excluding for purposes of the proportion common hallways and lavs and other common entries or areas within said building; provided, however, that in no case shall any sign extend above a flat roof or the elevation of the front wall by more than 20% of the average height of the front elevation of said building. *The height and size of a sign in the CD district may exceed the requirements of this section by the issuance of a special permit from the Planning Board.*

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, to see if the Town will vote to do or act in any manner relative thereto.
(Sponsor: Planning Board)

ARTICLE 58: To see if the Town will vote to amend the Plainville Zoning Bylaw by deleting **§500-36. Groundwater Protection District** in its entirety and replacing it as follows:

§500-36: Groundwater Protection District

A. PURPOSE OF DISTRICT

The purpose of this Groundwater Protection District is to:

- (1) promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Plainville;
- (2) preserve and protect existing and potential sources of drinking water;
- (3) conserve natural resources in the Town of Plainville; and
- (4) prevent temporary and permanent contamination of the environment.

B. SCOPE OF AUTHORITY

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

C. DEFINITIONS

Automobile Graveyard: An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in MGL c.140B, s.1.

Aquifer: A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

CMR: Code of Massachusetts Regulations.

Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

Dry Well: A subsurface pit with open-jointed lining or holes through which storm-water drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.

Groundwater Protection District: The land area consisting of aquifers and Zone II recharge areas as identified on a map and adopted pursuant to this bylaw.

Hazardous Material: Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public water well that lacks a Zone II.

Junkyard: An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, s.1.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

MassDEP: Massachusetts Department of Environmental Protection.

MGL: Massachusetts General Law.

Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

Recharge Areas: Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Utility Works: Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A.

Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

D. ESTABLISHMENT AND DELINEATION OF GROUNDWATER PROTECTION DISTRICT

- (1) For the purposes of this bylaw, there are hereby established within the Town of Plainville certain groundwater protection areas consisting of aquifers or recharge areas. These areas are delineated on a map entitled "Town of Plainville Map of Groundwater Protection District" dated March 20, 2014, which is hereby made part of the Groundwater Protection District Bylaw and is on file in the office of the Town Clerk.

E. DISTRICT BOUNDARY DISPUTES

- (1) If the location of the Groundwater Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- (2) Burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Groundwater Protection District require town meeting approval.
- (3) Where the boundary line of the Groundwater Protection District divides a lot or parcel, the requirements established by this bylaw shall apply only to that portion of the lot or parcel that lies within the Groundwater Protection District.

F. PERMITTED USES

- (1) The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
 - (a) conservation of soil, water, plants, and wildlife;
 - (b) outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - (c) foot, bicycle and/or horse paths, and bridges;

- (d) normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- (e) maintenance, repair, and enlargement of any existing structure, subject to Section G and Section H of this bylaw;
- (f) residential development, subject to Sections G and H of this bylaw;
- (g) farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section G and Section H of this bylaw;
- (h) construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels; and
- (i) any use permitted in the underlying zoning except for those uses specifically prohibited in Sections G and H of this bylaw.

G. PROHIBITED USES

- (1) The following land uses and activities are prohibited unless designed in accordance with the specified performance standards :
 - (a) landfills and open dumps;
 - (b) automobile graveyards and junkyards;
 - (c) landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
 - (d) facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
 - [1] very small quantity generators as defined under 310 CMR 30.000;
 - [2] household hazardous waste centers and events under 310 CMR 30.390;
 - [3] waste oil retention facilities required by MGL c. 21, s.52A;
 - [4] water remediation treatment works approved by MassDEP for the treatment of contaminated waters.
 - (e) petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
 - (f) storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
 - [1] in container(s) or above ground tank(s) within a building; or
 - [2] outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.

however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
 - (g) storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
 - (h) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 - (i) storage of animal manure unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

- (j) storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (k) stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Groundwater Protection District;
- (l) earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high groundwater, unless such substances removed are re-deposited within 45 days of removal on the site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations, the installation of utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40. The SPGA shall review information submitted from sources such as monitoring wells, historical water table fluctuation data compiled by the United States Geological Survey or other reputable sources acceptable by the SPGA, and on-site soil analysis conducted by a certified soil evaluator in conformance with DEP standards in making its determination as to the historical high groundwater elevation; and
- (m) treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:
 - [1] treatment works approved by Mass DEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - [2] publicly owned treatment works.
- (n) Private sewer treatment (package) plants for residential uses.

H. USES AND ACTIVITIES REQUIRING A SPECIAL PERMIT

- (1) The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:
 - (a) enlargement or alteration of existing structures or uses that do not conform to the Groundwater Protection District;
 - (b) except as prohibited under Section G of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;
 - (c) rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater;
 - (d) any project requiring approval under Plainville General Code Chapter 540: Subdivision of Land.

I. PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT

- (1) The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. A special permit shall be granted if the SPGA determines, in conjunction with the Plainville Board of Health, Conservation Commission, Water/Sewer Commission, Fire Department, Department of Public Works and Building Inspector, that the intent of this bylaw, as well as its specific criteria, is met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments or commissions in its decision.
- (2) Upon receipt of the special permit application, the SPGA shall transmit one copy to the Plainville Board of Health, Conservation Commission, Water/Sewer Commission, Fire Department, Department of Public Works and Building Inspector. Failure to respond in writing within 35 days from the date of receipt of the material from the SPGA shall indicate approval, or no desire to comment. The necessary number of copies of the application shall be furnished by the applicant.
- (3) The SPGA may grant the required special permit only upon finding that the proposed use meets the criteria set forth in §500-20(C), those specified in Section G of this bylaw, the following standards, and any regulations or guidelines adopted by the SPGA. The proposed use must:

- (a) in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection District; and
 - (b) be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed such that recharge to groundwater is impaired.
 - (c) be designed to provide stormwater runoff treatment and artificial recharge that will not degrade water quality, and is provided using methods demonstrated to be capable of removing contaminants from storm water which are consistent with the methods described in Mass DEP's Stormwater Handbook, Vol. I, II and III, as amended. Such standards shall be required whether or not the proposal requires a permit under the provisions of the Massachusetts Wetlands Protection Act.
- (4) The SPGA may adopt controls to govern design features of projects. Such controls shall be consistent with the Town's subdivision regulations.
- (5) The applicant shall file 11 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
- (a) a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
 - (b) for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan will be consistent with the requirements of Section G and shall include:
 - [1] provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - [2] provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces;
 - [3] evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000; and
 - [4] proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.
- (6) The SPGA shall hold a hearing, in conformity with the provision of MGL c.40A s. 9, within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c.40A s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit.

J. ENFORCEMENT

- (1) Written notice of any violations of this bylaw shall be given by the Plainville Zoning Enforcement Officer to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.
- (2) A copy of such notice shall be submitted to the Town Planning Board. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

K. SEVERABILITY

- (1) If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

and to amend **§500-12. Districts** by replacing WPD-Watershed Protection District with GPD-Groundwater Protection District

and to amend the Plainville Zoning Bylaw §500 Attachment 1 “Town of Plainville Intensity of Use Schedule (§500-17 of the Zoning Bylaw)”, by deleting the existing footnote “I” which reads “In the Watershed Protection District, a maximum of 60% of a lot area shall be rendered impervious for all uses” and replacing it with “In the Groundwater Protection District, a maximum of 60% of lot area shall be rendered impervious for all residential uses”.

and to see if the Town will vote to amend the Plainville Zoning Bylaw by deleting **§500-Attachment 4 Groundwater Protection District Map** in its entirety and replacing it with a new map entitled “Town of Plainville Map of Groundwater Protection District” dated March 20, 2014.

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, to see if the Town will vote to do or act in any manner relative thereto. .
A reduced copy of the proposed Groundwater Protection District Map is attached to the Annual Town Meeting Warrant (Sponsor: Planning Board)

ARTICLE 59: To see if the Town will vote to amend the Zoning Bylaw, **§500-37, Water Resource Protection**, as set forth below with the additions shown in italics and the deletions shown in strike-through and the text not being changed shown only for informational purposes, or take any other action relative thereto.

§ 500-37. Community and Water resource protection.

A. Purpose and application. For the purpose of protecting groundwaters and other water resources in the Town of Plainville, there are hereby established water resource protection regulations as part of the Zoning Bylaw. These regulations apply throughout the Town. All uses and dimensional requirements and other provisions of this bylaw applicable to land, buildings and uses in all zoning districts shall remain in force and effect, except that where the water resource protection regulations impose greater or additional restrictions and requirements, such restriction and requirements shall prevail.

B. Use regulations. Notwithstanding use regulations for a particular district, the uses listed below are prohibited. Such uses where lawfully existing may be continued but may not be expanded or altered without a special permit from the special permit granting authority (SPGA), which, for the purpose of this section of the Zoning Bylaw, is the Zoning Board of Appeals (see §§ 500-27 and 500-28).

- (1) Outdoor storage of the following substances: salt, snow-melting chemicals, or hazardous substances such as pesticides, herbicides and water soluble and volatile chemical compounds. This prohibition shall include, without limitation, outdoor storage of materials containing or coated with such chemicals susceptible to being carried into surface water or groundwater.
- (2) Storage of radioactive waste.

C. Uses by special permit.

(1) Except as specified in Article I of this bylaw, the following uses will be allowed only upon issuance of a special permit issued by the Zoning Board of Appeals.

(a) ~~Business or manufacturing use employing over 20 persons.~~ *Any use, or expansion of an existing use, that creates 20 or more parking spaces.*

(b) *Any new Commercial or Industrial building, or combination of buildings on a single lot, or any combination of addition or additions to an existing Commercial or Industrial building or buildings, which equals or exceeds a footprint area of 10,000 square feet.*

(c) *On a lot where the existing footprint of all buildings combined exceeds 10,000 square feet, any combination of addition or additions to an existing building or buildings which equals or exceeds a footprint area of 5,000 square feet.*

(~~b~~d) Any manufacturing or processing industrial use disposing of hazardous toxic (as defined by federal and state regulations) solid waste or hazardous toxic wastewater through an on-site subsurface disposal system.

(ee) Business or manufacturing use with an impervious area in excess of one acre.

(~~d~~f) Junkyards or salvage yards.

(eg) Landfills and similar waste treatment or disposal facilities.

(~~f~~) ~~Conversion of seasonal homes to year-round use.~~

(~~g~~h) Manufacture of pesticides, fertilizers, weedkillers and herbicides.

(hi) Facilities for the storage or treatment of hazardous wastes.

D. Rules and regulations.

~~(1) The Zoning Board of Appeals shall adopt rules and regulations relative to the issuance of special permits under this section. Such rules shall include but need not be limited to requirements for:~~

~~(a) Site plan showing the extent of impervious areas, water supply, drainage and layout and design of disposal facilities.~~

~~(b) Provisions and conditions designed to prevent or correct conditions detrimental to water resources, health, safety and welfare.~~

~~(c) Provisions and conditions to prevent pollution to ground and surface.~~

~~(2) The rules and regulations of the Zoning Board of Appeals relative to the issuance of special permits shall provide for notice to and review by the following local boards: Board of Selectmen, Conservation Commission, Board of Health and Planning Board.~~

(1) The Planning Board shall follow the "Procedure for issuance of a special permit" as set forth in §500-20(C) and §500-36(I).

(2) If a special permit is required under the provisions of both §500-36 and §500-37, then the applications for both permits may be combined, the permits may be heard concurrently by the Planning Board, and a combined decision may be rendered detailing the decision on each application.

and to amend the Plainville Zoning Bylaw §500 Attachment 2 "Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw)", by changing footnote 9 to read "See §500-37. Community and Water Resource Protection.

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, to see if the Town will vote to do or act in any manner relative thereto.
(Sponsor: Planning Board)

ARTICLE 60: To see if the Town will vote to amend the Plainville Zoning Bylaw by deleting **§500-38. Watershed Protection District** in its entirety.

and to amend the Plainville Zoning Bylaw §500 Attachment 2 "Town of Plainville Use Regulation Schedule (§500-19 of the Zoning Bylaw)", by deleting the "WPD" column in its entirety.

and to see if the Town will vote to amend the Plainville Zoning Bylaw by deleting **§500-Attachment 5 Watershed Protection District Map** in its entirety.

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, to see if the Town will vote to do or act in any manner relative thereto.
(Sponsor: Planning Board)

ARTICLE 61: To see if the Town will vote to authorize the expenditure of a sum of \$38,490.00 by the King Philip Regional School District from the District's own funds, being whatever source, including its excess and deficiency fund, as being the Town's share (constituting 25.66 percentage) of the total cost of a sewer improvement repair project, said total cost being approximately \$150,000, at the King Philip Regional Middle School within the King Philip Regional School District, of which the Town of Plainville is a member, said amount to be expended at the direction of the King Philip Regional School District School Committee, or do or act in any manner relative thereto. (Sponsor: King Philip School Committee)

ARTICLE 62: To see if the Town will vote to authorize the expenditure of a sum of \$68,072.53 by the King Philip Regional School District from the District's own funds, being whatever source, including its excess and deficiency fund, as being the Town's share (constituting 25.66 percentage) of the total cost of a lighting expansion project/upgrade, said total cost being approximately \$265,286.55 at the King Philip Regional Middle School within the King Philip Regional School District, of which the Town of Plainville is a member, said amount to be expended at the direction of the King Philip Regional School District School Committee, or do or act in any manner relative thereto. (Sponsor: King Philip School Committee)

And you are directed to serve this Warrant by posting copies thereof in six (6) public places, in said Town, fourteen (14) days at least before the time of holding said meeting.

Hereof, fail not, and make due return of the Warrant with your doing thereon, to the Town Clerk at or before the time and place of said meeting as foresaid.

Given under our hands this 19th day of May, in the year of our Lord two thousand and fourteen.

Robert Rose, Chairman

Andrea Soucy

George F. Sutherland, Jr.

A true copy Attest:

_____ May_____, 2014
Ellen M. Robertson, Town Clerk

I have this day posted six (6) copies in six (6) public places in the Town of Plainville and have returned one signed copy to the Town Clerk.

_____ May_____, 2014
Constable