



**TOWN OF PLAINVILLE**  
**WARRANT**  
for the  
**ANNUAL TOWN MEETING**  
**MONDAY, JUNE 4, 2018**  
**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 4, 2018**

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 2, 2018. (*Sponsor: Board of Selectmen*)

**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 amend the Town of Plainville Town Code by adding a new section to General Legislation Chapter §216, to be titled "Sale of Animals", which by-law shall regulate the sale of dogs, cats and rabbits in the Town of Plainville, as set forth below, or do or act in any manner relative thereto.

**§216-20 Sale of Animals**

**A. Purpose**

The purpose of this Bylaw is to protect the residents of the Town of Plainville and others from adverse effects that may arise from the sale and distribution of dogs, cats and rabbits that have not been bred or kept in sanitary and humane conditions and which pose a high risk of developing health and behavioral issues that are not discoverable at the time of sale and distribution. The purpose of this bylaw is also to prevent and/or reduce inhumane or inadequate breeding conditions, promote community awareness of animal welfare and foster a more humane animal environment by restricting the sale and distribution of dogs, cats and rabbits from pet shops, which are known to frequently obtain their animals from large-scale breeders, commonly referred to as puppy, kitten and rabbit mills.

This bylaw will not affect a customer's ability to obtain a dog, cat or rabbit of his or her choice directly from a shelter, breed-specific rescue organization or breeder where the consumer can see directly the conditions in which the dogs, cats or rabbits are bred, or can confer directly with the breeder concerning those conditions.

## **B. Definitions**

For purpose of this Section:

**Animal Shelter:** means a public animal control facility or other facility which is operated by an organization or individual for the purposes of protecting animals from cruelty, neglect or abuse and, is registered with the Department of Agricultural Resources of the Commonwealth of Massachusetts, if required, and which does not obtain dogs, cats or rabbits from a breeder or broker for payment or compensation.

**Animal Rescue Organization:** means a not-for-profit organization, registered with the Department of Agricultural Resources of the Commonwealth of Massachusetts, if required, and that either on its own behalf or as facilitator for others arranges to engage in the activities of transferring ownership of domestic animals, and which does not obtain dogs, cats or rabbits from a breeder or broker for payment or compensation.

**Breeder:** means a person or organization who/which maintains dogs, cats and/or rabbits for the purposes of breeding and selling their offspring.

**Broker:** means a person or organization who/which transfers dogs, cats or rabbits at wholesale for resale by another.

**Flea Market:** means a building, structure or open area occupied by one or more vendors, other than retail stores, for sale to the public of new or used goods or products on a seasonal, limited or full schedule of operation.

**Pet Shop:** means a retail establishment where dogs, cats and/or rabbits are, whether most of or part of the business sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail or wholesale. Such definition shall not include animal shelters or animal rescue organizations.

## **C. Prohibition and Restrictions**

No pet shop shall display, sell, deliver, offer for sale, exchange, barter, auction, give away, broker or otherwise transfer a dog, cat or rabbit, except for a dog, cat or rabbit obtained from an animal shelter or animal rescue organization

Each pet shop shall maintain records sufficient to document the source of each dog, cat or rabbit the pet shop acquires, including the name, address and phone number of each animal shelter or animal rescue organization the pet shop sourced from, for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to the Health Agent, Building Inspector, Animal Inspector, Animal Control Officer and/or Plainville Police Department.

Each pet shop shall post, in a conspicuous location on the cage or enclosure of each dog, cat and rabbit, a sign listing the name of the animal shelter or animal rescue organization, a description of said animal and the date from which each dog, cat or rabbit was obtained.

No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat or rabbit on or in any street, public grounds, commercial parking lot, flea market, or other market, except for a dog, cat or rabbit displayed:

1. By an animal shelter or animal rescue organization; or
2. As part of a 4-H program or similar exhibition or education program.

## **D. Enforcement and Penalties**

Violations of this by-law may be enforced by non-criminal disposition, by the Animal Control Officer, Animal Inspector, Building Inspector, Health Agent or by any Police Officer in the manner provided by General Laws, Chapter 40, Section 21D and Chapter 277, Article II of these Bylaws.

The specific non-criminal disposition penalties which shall apply to a violation of this bylaw shall be three hundred (\$300) dollars per violation. Each dog, cat or rabbit sold or offered for sale in violation of this Bylaw shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.

Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred (\$300) dollars.

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

**E. Severability**

If any provision of this Bylaw is for any reason held to be legally invalid by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of any other part of this Bylaw.

**F. Effective Date**

The provisions of this By-law shall be effective upon approval and publication in accordance with G.L. c.40, §32, provided, however, that enforcement of the provisions of this Bylaw shall be deferred for a period of ninety days after its effective date.  
(Sponsor: *Citizen's Petition*)

**ARTICLE 4:** To see if the Town will vote to adopt a new bylaw to establish departmental revolving funds under MGL Chapter 44, section 53E ½ as required by the Municipal Modernization Act, Acts of 2016, Chapter 218, Section 86 said bylaw to be numbered as Chapter 12, §12-3 of the codification of the Plainville General Bylaws and to read as follows, provided that the Town Clerk, following consultation with the Town Administrator, shall be authorized to make nonsubstantive changes to the numbering of this by-law in order that the bylaw be in compliance with the numbering format of the Code of Plainville:

Article 12, Section 12-3

- A. **Purpose:** This bylaw establishes and authorizes revolving funds for use by town departments, board, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by MGL Chapter 44, Section 53E ½.
- B. **Expenditure Limitations:** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
- i. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - ii. No liability shall be incurred in excess of the available balance of the fund.
  - iii. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
- C. **Interest:** Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.
- D. **Procedures and Reports:** Except as provided in MGL Chapter 44, Section 53 ½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditures in the regular report the Town Accountant provides the department, board, committee, agency or officer on the appropriations made for its use.
- E. **Authorized Revolving Funds:**

There shall be in the Town of Plainville the following Revolving Funds:

Revolving Fund	Department, Board, Committee, Agency Authorized to Expend	Fees, Charges, Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Fiscal Years
Dog Licenses & Fines	Board of Selectmen	Licenses and Fees Associated with the enforcement of the Animal Control By-Law	Expenses related to animal control	All
Senior Center Rental Fees	Council on Aging	Rental Fees for use of the Senior Center	Expenses related to operation of the Senior Center	All
Assessor's Map & Record Copying Fees	Board of Assessors	Fees for copies of Assessors maps and records.	Expenses related to the operation of the Assessing Department	All
Fire Alarm Fees	Fire Chief	Fees associated with the provision of Fire Alarm services	Expenses related to the Fire Alarm system	All
Police Report Copy & Printing Fees	Police Chief	Fees for copies of police records and reports	Expenses related to the Police Department Records Division	All
Firearm Licenses	Police Chief	Fees for Firearms Licenses	Expenses related to the Police Department	All
Use of Police Cruisers on Private Details	Police Chief	Fees charged for use of police vehicles or equipment on private details	Expenses related to the maintenance of Police Cruisers	All
Use of Traffic Citations	Police Chief	Fines and fees associated with traffic citations	Expenses related to the purchase or Police Cruisers	All
Library Fines	Board of Library Trustees	Fines issued by the Public Library	Expenses related to the Public Library	All
Passport Fees	Board of Library Trustees	Fees paid for passport related services	Costs associated with passport services	All
Council on Aging Advertising	Council on Aging	Fees or payments received from advertising	Costs associated with the printing of the Council on Aging Newsletter	All
Parks and Recreation Fees & Funds	Parks and Recreation Commissioners	Funds received by the Parks and Recreation Department	Costs associated with Parks and Recreation Projects	All
Planning & Development Fees & Funds	Director of Planning & Development	Funds received by the Planning & Development Department	Costs associated with Planning and Development Projects	All

And further, to establish fiscal year spending limits for such funds as set forth below, with such limits to be applicable from fiscal year to fiscal year unless revised by Town Meeting prior to July 1 of any fiscal year; provided, further, however, that in accordance with law, the Board of Selectmen, with the approval of the Finance Committee, may, upon request, increase the expenditure limits set forth herein for that fiscal year only.. (Sponsor: Board of Selectmen)

Source of Funds	Annual Expenditure
Dog Licenses & Fines	\$20,000
Senior Center Rental Fees	\$10,000
Assessor's Map & Record Copying Fees	\$5,000
Fire Alarm Fees	\$55,000
Police Report Copy & Printing Fees	\$10,000
Firearm Licenses	\$10,000
Use of Police Cruisers	\$10,000
Use of Traffic Citations	\$55,000
Library Fines	\$8,000
Passport Fees	\$6,000
Council on Aging Advertising	\$10,000
Parks and Recreation Fees & Funds	\$10,000
Planning & Development Fees and Funds	\$10,000

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

**ARTICLE 5:** To see if the Town will vote to appropriate and transfer 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 6:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$230,000 or any other sum to meet the Town's obligations for Medicare Taxes, said funds to be expended under the direction of the Treasurer/Collector, or do or act in any manner relative thereto. *(Sponsor: Treasurer/Collector)*

**ARTICLE 7:** 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 2019

Job Classification	Effective July 1, 2018		
	Range		
<b>A. Executive Level</b>			
Principal Assessor	Minimum: 55,635.	Maximum: 74,803.	Base
Park Director	Minimum: 54,008.	Maximum: 66,859.	Base
Executive Director, Council on Aging	Minimum: 46,715.	Maximum: 56,352.	Base
Health Agent	Minimum: 51,429.	Maximum: 79,032.	Base
Treasurer/Collector	Minimum: 96,000.	Maximum: 112,000.	Base
Director of Planning/Development	Minimum: 83,281.	Maximum: 102,959.	Base
DPW Operations Mgr.	Minimum: 63,634.	Maximum: 89,905.	Base
Director of Public Works	Minimum: 103,819.	Maximum: 125,664.	Base
Outreach Coordinator Council on Aging	Minimum: 16.39	Maximum: 21.15	Hourly
<b>B. Library</b>			
Library Director	Minimum: 46,597.	Maximum: 61,555.	Base
<b>H. Public Needs</b>			
Bus Driver	Minimum: 16.00	Maximum: 21.15	Hourly
<b>I. Seasonal</b>			
Lifeguard	Minimum: 11.00	Maximum: 20.00	Hourly
Water Safety Instructor	Minimum: 11.00	Maximum: 20.00	Hourly
Recreation Aide	Minimum: 11.00	Maximum: 20.00	Hourly
Program Aide	Minimum: 11.00	Maximum: 20.00	Hourly
Laborer	Minimum: 11.00	Maximum: 20.00	Hourly
<b>J. Part-time Hourly</b>			
Patrolman, Special	Minimum: 18.19	Maximum: 22.19	Hourly
IT Systems Administrator	Minimum: 26.71	Maximum: 40.59	Hourly
Secretary, Senior	Minimum: 21.98	Maximum: 27.96	Hourly
Clerk	Minimum: 15.45	Maximum: 24.86	Hourly
Clerk, Senior	Minimum: 20.24	Maximum: 26.08	Hourly
Accounting Clerk	Minimum: 21.98	Maximum: 27.96	Hourly
Departmental Assistant	Minimum: 25.03	Maximum: 31.39	Hourly
Associate Librarian	Minimum: 17.32	Maximum: 22.52	Hourly
Librarian, Children's	Minimum: 14.91	Maximum: 21.96	Hourly
Librarian, Technician	Minimum: 11.00	Maximum: 14.15	Hourly
Library Page	Minimum: 11.00	Maximum: 11.87	Hourly
Custodian	Minimum: 12.73	Maximum: 17.48	Hourly
Laborer, Apprentice	Minimum: 11.00	Maximum: 12.73	Hourly
Laborer	Minimum: 12.63	Maximum: 15.14	Hourly
Laborer, Skilled	Minimum: 16.23	Maximum: 19.56	Hourly

Dispatcher	Minimum:	18.19	Maximum:	23.05 Hourly
Recreation Assistant	Minimum:	11.00	Maximum:	20.00 Hourly

**K. Inspector-Annual Rates:**

Assistant Building Inspector \$40.00 per hour or per inspection whichever rate is higher.

Assistant Wiring Inspector \$40.00 per hour or per inspection whichever rate is higher.

Assistant Plumbing & Gas Inspector \$40.00 per hour or per inspection whichever rate is higher.

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

**ARTICLE 8:** 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 18	Recommended FY19
Moderator	\$25. per meeting	\$25. per meeting
Town Clerk	\$71,732. Annually	\$ 74,039. 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
Planning Board, Each Member	\$ 500. Annually	\$ 500. Annually
Library Trustees, Each Member	\$ 500. Annually	\$ 500. Annually
School Committee, Each Member	\$ 500. Annually	\$ 500. Annually
Constable	\$ 7.50/hour or \$3.00/posting	\$7.50 /hour or \$3.00 per posting

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

**ARTICLE 9:** To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. C59, §5 Clause 41A, from 8% to 5%, which such reduced rate to apply to taxes assessed for any fiscal year beginning on July 1, 2018 and thereafter, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 10:** To see if the Town will vote to increase the gross receipts that senior may have in the prior calendar year to be eligible to defer property taxes under M.G.L. C59 §5, Clause 41A, from \$20,000 to 70% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on July 1, 2018 and thereafter, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 11:** To see if the Town will vote to transfer from the Gaming Stabilization Fund an amount for Debt Service and Principal for previously approved capital projects, such funds to be expended under the direction of the Treasurer/Collector, or do or act in any manner relative thereto. *(Sponsor: Treasurer/Collector)*

**ARTICLE 12:** To see if the Town will vote to appropriate and raise or transfer from any available source of funds, or otherwise, such sums of money as may be required to defray the regular expenses (Operating Budget) of the Town for the financial year beginning July 1, 2018, and expressly for the following purposes, 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 in accordance with the provisions of Ch. 44, Sect 53F ½ of M.G.L. to appropriate \$603,330.00 or any other sums for the purpose of operating a household waste collection, recycling and disposal program; \$501,405.00 of such appropriation to be funded from FY-19 Trash Enterprise Revenue, \$76,647.00 to be funded

from Trash Enterprise Retained Earnings, and \$25,278.00 to be raised as part of general revenue to cover the cost of refuse collection of the municipal buildings, such sums to be expended as follows by and under the direction of the Board of Health:

Expenses	\$553,518.00
Salaries	\$ 49,812.00

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

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$100,000 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/Collector, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer/Collector*)

**ARTICLE 15:** To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 16:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund capital items, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 17:** To see if the Town will vote to transfer from the Gaming Stabilization Fund an amount for capital projects, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 18:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Ch. 44, Sect 53F ½ to appropriate a sum of money from the Cable Enterprise Fund for FY2019 cable and PEG access services, such sums to be expended under the direction of the Board of Selectmen, or to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 19:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$45,000 or any other sum for the purpose of updating Fiscal 2020 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 20:** To see if the Town will vote to raise and appropriate, or transfer from available funds \$2,400, or any other sum for the purpose of funding the cost of GIS database and software maintenance, 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 amend the Code of the Town of Plainville §430-7. **Overnight parking during snow season** with the deletions shown in strike-through and the additions shown in bold, as follows:

No person should allow, permit or suffer any vehicle registered in their name, other than one acting in an emergency, to be parked on any street for a period longer than one hour between the hours of 1:00am and 6:00am of any day between ~~November 1~~ **December 1** and April 1, **or at any time when an Emergency Parking Ban is declared by the Police Chief.** If such a vehicle is found to impede snow removal, it shall be removed by the police, at the owner's expense, to an approved location.

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: Board of Selectmen*)

**ARTICLE 22:** To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2020; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act:

- a. Property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act;
- b. \$100,000 of the value of each taxable parcel of residential real property;
- c. \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in M.G.L. c.59, §2A.

Provided, however, that prior to taking effect in the Town of Plainville, the act must still be accepted by the voters at the 2018 Biennial State Election, or to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Open Space and Recreation Committee*)

**ARTICLE 23:** To see if the Town will vote to amend the Code of the Town of Plainville §500-38. Temporary Moratorium on Recreational Marijuana Establishments with the deletions shown in strike-through and the additions shown in bold, as follows:

A. **Temporary Moratorium.**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through ~~June 30~~ **December 31, 2018** or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

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 24:** To see if the Town will vote to amend the Code of the Town of Plainville §500-22. Residential cluster development by adding a new §500-22(D)(5) as follows:

(5) Lots within a residential cluster development need not conform to the requirements of §500-16(A)(1): Lot width and §500-16(A)(3): Lot shape factor. Instead, as part of the special permit approval, the Planning Board shall review each individual lot to ensure that adequate means of access to the proposed building site is provided. Common driveways may be utilized to minimize paved areas and enhance environmental protection. No lot configuration shall be approved that does not, in the opinion of the Planning Board, provide safe access to the building location or adequate buffering between dwellings.

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 25:** To see if the Town will vote to amend the Code of the Town of Plainville §500-28. **Changes in nonconforming use by special permit** with the deletions shown in strike-through and the additions shown in bold, as follows:

§500-28. Changes in nonconforming use ~~by special permit~~

- A. **Nonconforming uses other than single and two-family residential structures.** A change or expansion of a nonconforming use and the rebuilding or restoration of a **nonconforming structure associated with such use** destroyed



or damaged to more than 75% of its replacement value may be authorized by special permit on the same premises as ~~provided in~~, pursuant to §500-20G of the bylaw.

**B. Nonconforming single and two-family residential structures.** Nonconforming single and two-family residential structures may be reconstructed, extended or altered as of right following a determination by the Zoning Enforcement Agent that such reconstruction, extension or alteration does not increase the nonconforming nature of the structure, and does not increase the habitable floor area of the structure by more than 25% or the non-habitable floor area by more than 750 square feet. Cumulative submissions that exceed these thresholds will not be allowed as of right, nor will submissions that add to the number of units on the lot.

1. **No increase in nonconforming nature.** The reconstruction, extension or alteration of a single family or two-family residential structure that is described in any of the following circumstances shall not be deemed to increase the nonconforming nature of a structure.
  - a. **Insufficient lot area:** Reconstruction, extension or alteration of a single family or two-family residential structure that is located on a lot with insufficient lot area, but that complies with all current dimensional requirements for front, side and rear yards, building coverage, floor area and building height, and where said reconstruction, extension or alteration complies with all current dimensional requirements for front, side and rear yards, building coverage, floor area and building height.
  - b. **Insufficient lot frontage, lot width or shape factor:** Reconstruction, extension or alteration of a single family or two-family residential structure that is located on a lot with insufficient frontage, lot width or shape factor but that complies with all current dimensional requirements for front, side and rear yards, building coverage, floor area and building height, and where said reconstruction, extension or alteration complies with all current dimensional requirements for front, side and rear yards, building coverage, floor area and building height.
  - c. **Yard encroachment:** Reconstruction, extension or alteration of a single family or two-family residential structure, where the lot is in zoning compliance but the existing structure has a yard encroachment, if said reconstruction, extension or alteration does not further encroach upon one or more nonconforming front, side or rear yards, and still complies with current dimensional requirements for building coverage, floor area and building height.
2. **Increase in nonconforming nature, or increase in habitable floor area by 25% or more, or increase in non-habitable floor area by 750 square feet or more.** In the event that the Zoning Enforcement Agent determines that the reconstruction, extension or alteration of a nonconforming single family or two-family residential structure increases the nonconforming nature of the structure, or in the event that such reconstruction, extension or alteration increases the habitable floor area of the structure by 25% or more, and the non-habitable area by 750 square feet or more, a finding pursuant to MGL Ch. 40A §6 granted by the Board of Appeals shall be required to allow reconstruction, extension or alteration. A determination may be granted by the Board of Appeals only if there is a finding by the Board that the reconstruction, extension or alteration shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming use. A finding shall be made using the same procedures required for the issuance of a special permit.

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 26:** To see if the Town will vote to amend the Code of the Town of Plainville §500-23. Phase development by deleting the entire section.

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 27:** To see if the Town will vote to amend the Code of the Town of Plainville §500-24. Senior Village Overlay District with the deletions shown in strike-through and the additions shown in bold, as follows:

§500-24(B)(8). The lot or lots on which a retirement community is located shall contain at least 5,000 square feet of **upland area** per unit in the SHD. “**Upland area**” shall be as defined in §500-16(A)(2).

§500-24(C)(1) Basic senior village bonus. Basic senior village bonus. A senior village's base density is defined as four housing units per gross site acre except where noted above. To qualify as a senior village, a proposal shall, at a minimum: a) set aside 10% of the total number of dwelling units provided on the site as affordable housing as defined in this section; and b) provide a minimum of ~~30%~~ **40%** of the lot area as permanent, protected open space conforming to the open space standards as set forth in this section. The minimum ~~thirty-~~**forty** percent open space requirements may be waived by the Board if the proposed senior village is within the RD General Residential District and includes the rehabilitation or renovation of a certified historic or architecturally significant structure for use as senior housing. This enhanced base density for senior villages may be further increased according to the provisions below pertaining to additional affordable housing, additional open space dedication, and rehabilitation of existing buildings.

§500-24(D)(10) Open space. Within the SHD, all open space shall be integrated within and around the development. Additionally, not less than ~~30%~~ **40%** of the total land area contained within the development shall be designated as open space, and further provided that no less than ~~20%~~ **75%** of the designated open space land shall be **upland** suitable for use for passive and/or active recreational purposes. Area used for roadway layout, community buildings and common facilities shall not be used as open space area or site area.


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)

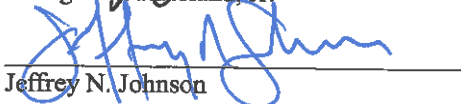
And you are directed to serve this Warrant by posting copies thereof in six (6) public places, in said Town, fourteen (14) days at least before the time of holding said meeting.

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 7<sup>th</sup> day of May, in the year of our Lord two thousand and eighteen.

  
Matthew Kavanah, Chairman

  
George F. Sutherland, Jr.

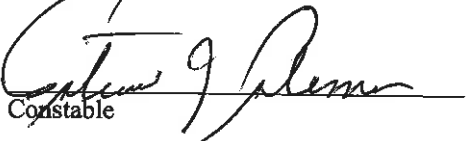
  
Jeffrey N. Johnson

A true copy Attest:

  
Ellen M. Robertson, Town Clerk

May 9, 2018

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.

  
Constable

May 9, 2018

Return of the Warrant May 9, 2018.



Ellen M. Robertson, Town Clerk