

TOWN OF SCITUATE
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Advisory Committee Meeting Minutes
Thursday, March 3, 2022
Zoom Video/Audio Conference – 6:30 pm

Pursuant to Chapter 20 of the Acts of 2021, Scituate Advisory Committee Members held the March 3, 2022 meeting via Zoom Video and/or Audio (Dial-in for those with only phone access). All participants participated remotely.

Committee Members Present: Jamie Gilmore; Chair, Elise Russo, Jerry Kelly, Dan McGuiggin, Missy Seidel, Patrice Metro, Michael Westort, Lincoln Heineman and Lynda Ferguson

Committee Members Not in Attendance:

Also in Attendance: Nancy Holt, Finance Director/Town Accountant; Seth Pfeiffer, SCTV Facilitator; James Boudreau, Town Administrator; Tony Vegnani, Select Board Member; Karen Connolly, Select Board Chair; Karen Joseph, Town Planner; Patricia Lambert, Planning Board; Bob Vogel, Building Commissioner; Cindy Amara, Esq, Town Counsel; Ann Burbine, Planning Board Chair

Mr. Gilmore called the meeting to order at 6:31 p.m.

Mr. Kelly made a motion to accept the agenda which was seconded by Ms. Metro and voted unanimously in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Mr. McGuiggin-yes, Ms. Seidel-yes, Ms. Metro-yes and Ms. Ferguson-yes

Mr. Gilmore called for a motion to accept the minutes of the February 24, 2022 meeting which was made by Ms. Russo seconded by Mr. McGuiggin. The minutes were voted in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Mr. McGuiggin-yes, Ms. Seidel-yes, Ms. Metro-yes and Ms. Ferguson-yes

Mr. Gilmore noted that there were many articles not voted by other respective boards and committees which will affect the Advisory Committee's ability to vote their recommendations.

Mr. Westort joined the meeting.

Review of Wind Turbine Articles

Ms. Connolly informed members there were two articles on the annual town meeting to shut down the turbine down during the hours of 11pm to 6am and the other is a petition article for a full shutdown. She noted two documents that were provided detailing the costs of the partial shutdown at night and the costs of a full shutdown. She further stated that the Select Board had approved partial shutdowns at night but the Select Board felt that a year-round shutdown at night required town meeting to decide due to the cost. She pointed out that the shutdown is a voluntary shutdown that requires Scituate Wind to agree to enter into an agreement with the Town. She stated the current curtailment agreement ends as of town meeting in April. A year-round estimate provided by Scituate Wind for year-round evening shutdown is \$300,000. She noted that the previous estimates for curtailment had been on target. Mr. Vegnani stated that other mitigation measures, including partial curtailments, had not addressed the concerns expressed by the neighbors. He noted there is a ground lease through 2027 with two five year extensions and a power purchase agreement through 2027 with two five year extensions. If the Town does not renew the power purchase agreement in 2027, Scituate Wind could still sell the power to another entity for the remainder of the term of the ground lease. He noted that the average annual net revenue is \$250,000 and the estimated cost of the partial year-round evening curtailment is \$300,000.

Mr. Kelly asked if the \$9.3M full shutdown cost had been evaluated by another party. Mr. Vegnani responded in the negative. Mr. Kelly noted that the estimates were being provided by the plaintiff. Ms. Connolly noted that the Scituate Wind estimate is basically the case they would make in court if the Town decided to shut down the turbine permanently which would then be argued in court as to value. Mr. Kelly disagreed stating that a third party would come forward with a more reasonable estimate. Mr. Gilmore asked Mr. Kelly when one would involve a third party and who would that party be to evaluate it. Mr. Kelly said it would likely be an accounting firm specializes in wind turbines and tax avoidance entities. Mr. Boudreau stated that is the course of action that would be followed if a shutdown was authorized by town meeting. Mr. Boudreau stated this is the known liability.

Mr. Heineman joined the meeting.

Ms. Russo stated she was under the impression that the town received free power for all its buildings. Mr. Vegnani said the Town receives money towards its electric costs and the value is \$250,000 annually. Ms. Russo asked if there had been an attorney to evaluate the contract for the claims that the petitioners had brought forward pertaining to potential violations of the contract. Ms. Russo stated the petitioners have consistently maintained that the testing done on which the determination about contract violations was based, was not accurate. Mr. Gilmore noted there was a history provided in the back-up documents. Mr. Gilmore said his interpretation is that there is a group of citizens that cannot live with the turbine and the Town had done all that it could do to mitigate the issue and now a warrant article had been brought forward to shut it down at night. His concern is whether that partial shutdown would be enough relief for the affected residents.

Mr. Heineman asked in what year the exemption was voted by town meeting for a contract in excess of three years. Ms. Holt said she was looking it up. Ms. Metro asked the passage of the

warrant article still did not compel the Select Board to shut down the turbine and Mr. Gilmore agreed. Mr. Vegnani confirmed it is non-binding but he felt the Select Board would follow town meeting's instructions and it would end up in an override request for a buy-out. Mr. Westort asked if affected people received funds as mitigation and noted that the back-up documentation confirmed that at least one party had and asked if that was why a lawsuit cannot be brought against Scituate Wind by the affected citizens. Ms. Metro asked how many persons were affected by the wind turbine. Mr. Vegnani stated there were approximately 20 complaints during a period when they were tracking complaints. He said he did not know the actual number of persons affected. Ms. Metro asked the proximity to the wind turbine of the complainants and Mr. Vegnani said one affected person is the closest resident and there were others on Gilson Rd. Mr. Vegnani said there were about 300 homes in that area. Mr. Gilmore reminded members of comments in a prior meeting that people are affected differently by the wind turbine. Mr. McGuiggin said that he had experienced firsthand in several homes in that area and he could not imagine living there. He noted that he doubted the builder of the turbine could have accurately told residents of the effect of living near a turbine. Mr. Gilmore asked if Mr. McGuiggin's experiences were in the daytime or the nighttime and he responded that it was both.

Mr. Boudreau responded to Mr. Heineman's earlier question that town meeting voted in 2009 to allow the award of contracts beyond three years. Ms. Metro asked about the specific types of tests that were performed by the town. Ms. Seidel stated she had heard that other municipalities had success in shutting down turbines that were located even further away from homes. Mr. Boudreau noted that Kingston was shut down but he did not have details on the mechanism and Falmouth was shut down through a lawsuit brought by residents against the town.

Mr. Kelly stated the cost of a new 1.5 MHz wind turbine is \$3M. Mr. Boudreau responded it is not a question of the cost of a new turbine it is the loss of the company's right to operate the existing turbine through the end of the term of the contract. Mr. Kelly stated that the testing is not equitable if paid for by the Scituate Wind LLC. Mr. Boudreau said the last contract for testing was awarded through a bidding process and paid for by the town. Ms. Connolly responded that there was resident input on the criteria. She felt that if the study had come back showing non-compliance, the petitioners would not have found it to be incorrect.

Ms. Connolly outlined the mitigation options taken to date to help the affected residents especially with the main complaint of the inability to sleep by entering into the partial curtailments. Mr. Kelly said he thought it would be more beneficial to delay the discussion until the members had more time to review the Scituate Wind documentation, having received it during the meeting. Mr. Gilmore asked Ms. Holt to add it to the next agenda and Ms. Metro asked that the Select Board members be invited to attend. Mr. Gilmore asked all interested parties to come to the next meeting to make final comments.

Review of Proposed Zoning Bylaw Articles

Ms. Joseph stated the Planning Board hearing closed on February 24th and the Planning Board will be taking their votes on March 10th. She noted the Planning Board was running behind due to the continuance of the public hearing to gather as much public input as possible.

Section 440.5 Business Districts

Ms. Joseph stated this article is to add the VCN to the business district to allow other uses and that it was seen as housekeeping. She noted that her impression was that the Planning Board would support this article.

Section 610.1 Lot Area and Lot Width

Ms. Joseph noted that based on input at the public hearing, they have come up with language that would be effective April 11, 2022 for a 30' foot radius which was amended down from the original 50' radius to address the problem of rat-tail lots which had become egregious. She expects that the Planning Board would support this change. Mr. Westort asked what a rat-tail lot looked like and Ms. Joseph responded it was a long segment of land connected to another to provide the square footage. She gave the example of 5 foot wide by 400 feet long lot that had come before them previously.

Replace Section 800 Nonconforming Structures and Uses

Mr. Vogel noted that Section 810 addresses structures in existence. He noted that if the structure was damaged and not used for 2-4 years depending on the circumstances and it is on a non-conforming lot; it cannot be re-used or re-created after that time. He said there are not a lot of cases but there are a few such as 81 Surfside which has been in such a state for almost 20 years. The essential change to the existing bylaw is to provide a route for those properties which have become orphans and lost all their value to enable them to obtain a special permit to be redeveloped without a time limitation. He noted the Town potentially has liability now for removing value from property due to the existing bylaw. Ms. Joseph noted this article was included in the Planning Board hearings and she felt a positive recommendation would be forthcoming.

Replace Section 440.2 Medical Marijuana Treatment Centers

Ms. Joseph stated this would replace the entire medical marijuana section to update it to the regulations and terminology that has changed since its original adoption.

*New Section 440.3 **Marijuana Establishments (Adult Marijuana)***

Ms. Joseph stated this would add a new section for marijuana establishments as a result of the citizens' petition article at the fall 2021 special town meeting. She noted there had been several hearings over the past several months to gather input. She stated that this included all the types of establishments as Town Counsel had said it would require a ballot vote to exclude any one type. In response to Mr. Gilmore's question, Ms. Joseph stated the establishments would be allowed in the harbor, North Scituate and Greenbush with restrictions. Ms. Metro asked if the Town could ban all types of recreational establishments and/or limit the types. Ms. Joseph said they could not be limited now without a ballot question based on Town Counsel's opinion, Ms. Joseph said the retail establishments were limited to two. Mr. Heineman disagreed with the Planning Board's decision of two rather than some other greater number as he felt it was arbitrary.

Ms. Metro asked the method of adoption of these amendments. Ms. Joseph stated it would be several articles for the zoning and then removal of the moratoria in the zoning and general bylaws and a local option acceptance for the excise tax. Ms. Joseph listed out the five articles in the order to be voted. Ms. Metro asked if the town could vote against medical marijuana

establishments and Ms. Joseph responded that use has to be allowed. Mr. Kelly asked if any other towns have implemented a total ban. Ms. Joseph said yes but medical marijuana must be allowed. Ms. Metro asked why they did not want to have ballot vote. Town Counsel Amara noted that the way this came before the Planning Board was through an all or nothing citizen petition. The petitioners agreed to withdraw their article and work with the Planning Board to bring forward zoning. She also noted the Planning Board limited retail recreational establishments as much as was allowable which was not required. She stated the areas where these establishments could go if they met all the other requirements. Mr. Heineman asked if a ban could be lifted without a ballot question if less than 50% of voters voted to legalize marijuana. Ms. Amara said a ballot vote was not required to lift the ban.

Ms. Metro asked how the town could move forward with a ban on recreational marijuana establishments. Ms. Joseph said the voters could vote no to the zoning and no to the ban. Ms. Ferguson stated that it is necessary to vote on the zoning first to protect ourselves from the ban being lifted. Ms. Amara said the zoning would require 2/3rds so if it failed, it is unlikely that the ban would be lifted by a majority. Ms. Ferguson was concerned that a voter might vote against the zoning bylaw based on terminology and content. She noted the Quincy zoning bylaw was much more stringent and included penalties and a ban on automatic dispensaries. Ms. Joseph responded to some of Ms. Ferguson's comments including the measurement from buildings rather than property lines. Ms. Amara stated that the measurement from property lines and buildings were both common and both were recognized mechanisms in response to Ms. Ferguson's concern on that item. Ms. Amara also noted that both the general bylaw and the zoning bylaw moratoria have to be lifted.

Ms. Metro asked why the bans are not being voted first. Ms. Joseph responded that the zoning needs to be in place in case the ban is lifted. She noted that if the ban is lifted and there is no zoning in place, then the establishments are a legal business so they could go wherever a legal business was allowed. Ms. Russo asked if the bylaws of other communities had been examined and how they compared to the proposed amendments. She also noted a concern that the pro bono assistance was provided by attorney that represents marijuana establishments. She also shared concerns that the comprehensiveness of the proposed by laws could attract a multi-level national operator as there are only 18 states that have legalized marijuana. Ms. Joseph responded that the Planning Board looked at multiple different communities' bylaws and then customized those examples with feedback from the public hearings. Mr. Gilmore asked to confirm the identity of the pro bono attorney was Valerio Romano who was the composer of the Massachusetts referendum to legalize marijuana; which was confirmed. Ms. Ferguson stated she felt there could be a bias based on this attorney's practice.

Ms. Metro asked if this was still an all cash business and how does the delivery system work. Ms. Lambert responded that the delivery system is a third party verification process with at least two persons in the vehicle. The delivery is a new option and the Planning Board will observe Marshfield which is currently rolling it out in their establishment. Ms. Lambert said they did not incorporate all the recommendations made by Mr. Valerio and that he was receptive of their concerns. Ms. Burbine noted the task of the Planning Board is about land use and a bylaw has been crafted involving as much input as possible.

Ms. Seidel asked if the zoning bylaw amendments fail and the ban gets lifted; what will occur. Ms. Amara responded that if the voters do not vote the zoning bylaw by 2/3rds but do lift the zoning ban by 2/3rds; it is unlikely that a majority would not lift the general bylaw. Ms. Amara noted that it will be up to the Moderator to be very clear to voters as to what they are voting upon at town meeting. Ms. Amara also noted that zoning bylaws can be amended at future meetings and Mr. Gilmore said it could be amended at the same town meeting.

Ms. Russo asked if the bylaw addressed the issue in an all or nothing direction based on the petitioner and Ms. Joseph responded in the affirmative. Ms. Ferguson asked if someone could amend the bylaw at town meeting to remove certain establishments. Ms. Amara said she believed that amendment would not be allowed as it would require a ballot vote. Ms. Joseph noted there is a PowerPoint presentation on the website with maps that was provided at the public hearing to provide further guidance.

Ms. Metro asked how the articles would be prefaced at town meeting. Mr. Gilmore confirmed with Ms. Joseph that the Planning Board will be presenting the articles. Ms. Joseph also stated the Planning Board will be discussing the manner of presentation with the Moderator. Mr. Kelly asked Ms. Joseph to explain the acronyms in the Table of Uses.

Mr. Gilmore expressed frustration that the various boards and committees had not taken the necessary votes for the Advisory Committee to move forward with their work. Ms. Connolly advised the members that the Select Board will meet on March 7th to take their final votes. Mr. Heineman stated that it was his opinion that the Advisory Committee should move forward with taking votes this evening. Ms. Connolly responded that her feeling was there would not be any substantial changes made by the Select Board.

Mr. McGuiggin left the meeting.

Special Town Meeting Articles

Ms. Holt reviewed the five special town meeting articles. She noted the snow and ice deficit article might be tabled on town meeting floor if not needed. Mr. Heineman asked about the capital costs in Article 2 for the Police Department and the School Department. Ms. Holt responded that the School Department would enable them to move forward with capital projects for which bids had come in too high and the Police Department for various equipment including radios that had been in the FY23 budget request.

Mr. Kelly voted to approve special town meeting articles 1 through 5 which was seconded by Ms. Ferguson and voted unanimously in favor by roll call vote seconded 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Ms. Seidel-yes, Ms. Metro-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. Westort-yes, and Mr. Heineman-yes.

Discuss/Vote all FY23 Budgets

Ms. Holt reviewed the Town Administrator recommendations for Article 4. She noted that the Select Board was voting on it on March 7th and Ms. Connolly stated she felt there might be changes.

Discuss/Vote All April 11, 2022 Annual and Special Town Meeting Articles

Mr. Gilmore made a motion to vote on all annual town meeting articles except articles 3 and 4 which was seconded by Mr. Heineman and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting articles 1 and 2 which was seconded by Mr. Heineman and voted unanimously in favor by roll call vote seconded 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Heineman made a motion to approve town meeting article 5 and 6 as which was seconded by Ms. Russo and voted unanimously in favor by roll call vote seconded 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms.-Seidel-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes, Mr. Westort-yes, and Mr. Heineman-yes.

Mr. Heineman made a motion to increase the Sewer budget in Article 7 by \$160,838 which was seconded by Ms. Metro.

Mr. Boudreau noted the department has sufficient funds to function as recommended and the Sewer Superintendent is making estimates that are not supported by contracts. Mr. Boudreau noted that if the actual contracts come forward with increases then an adjustment can be made at the fall 2022 special town meeting. The budget as proposed requires a 4% rate increase. Mr. Westort asked where the funds were coming from and Mr. Heineman stated the sewer rates would have to be increased. Ms. Holt noted it would be a 10-12% increase. Mr. Boudreau noted the sewer ratepayers are taxpayers and raising rates that aren't necessary is not equitable. Mr. Gilmore stated there was no support for increasing the budget.

Motion failed by roll call vote 2-6; Mr. Gilmore-no, Ms. Russo-no, Mr. Kelly-no, Ms. Ferguson-no, Ms. Seidel-no, Ms. Metro-no, Mr. Westort-yes, and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting article 7, 8 and 9 which was seconded by Ms. Metro and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Gilmore made a motion to approve town meeting article 10 and 11 which was seconded by Mr. Heineman and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting article 12 and 13 was seconded by Ms. Russo and then amended to only article 12 seconded by Mr. Gilmore. Mr. Westort amended the motion to vote the items in the article individually seconded by Mr. Heineman; and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms.

Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Gilmore called the lines in Article 12 and received holds on item 6 – lighthouse restoration, item 9 – feasibility study for high school tennis courts, item 10 – small dog park and item 11 – Lincoln Mordecai land acquisition.

Mr. Kelly made a motion to approve town meeting article 12; items 1-5, 7 and 8 which was seconded by Mr. Westort and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Westort noted that the lighthouse project should be supported by the historic reserve rather than the undesignated balance or a borrowing supported by the historic funding allocation. Ms. Holt said it could not be allocated if the funds are not in the historic reserve.

Mr. Gilmore made a motion to approve town meeting article 12; items 6 which was seconded by Mr. Kelly and voted majority in favor by roll call vote 7-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-no, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Metro made a motion to approve town meeting article 12; item 9 which was seconded by Mr. Kelly and voted majority in favor by roll call vote 7-0-1; Mr. Gilmore-abstain, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. Westort-yes, Ms. Metro-yes and Mr. Heineman-yes.

Mr. Westort expressed concern of the need for the small dog park with the availability of the golf course and other open space. Mr. Gilmore responded that his small dogs could be injured in the large dog park. Mr. Kelly noted that this is the second phase of this project.

Mr. Kelly made a motion to approve town meeting article 12; item 10 which was seconded by Ms. Metro and voted majority in favor by roll call vote 6-2; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-no, Ms. Seidel-yes, Ms. Metro-yes, Mr. Westort-no, and Mr. Heineman-yes.

Mr. Gilmore stated the Mordecai Lincoln project was an additional amount in response to the seller refusing to honor the previous agreement and it was still well under the appraised value. Ms. Ferguson noted the project was well worth it to her recall.

Mr. Kelly made a motion to approve town meeting article 12; item 11 which was seconded by Mr. Metro and voted majority in favor by roll call vote 7-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes, Ms. Seidel-yes, Mr. Westort-no, and Mr. Heineman-yes.

Mr. Metro made a motion to approve town meeting article 13 which was seconded by Mr.

Kelly and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes, Ms. Seidel-yes, Mr. Westort-yes, and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting article 15 and 16 and hold on article 14 which was seconded by Ms. Metro and voted unanimously in favor by roll call vote 8-0; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes, Ms. Seidel-yes, Mr. Westort-yes, and Mr. Heineman-yes.

Ms. Metro made a motion to approve town meeting article 17 which was seconded by Mr. Heineman and voted majority in favor by roll call vote 7-0-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes, Ms. Seidel-yes, Mr. Westort-abstain and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting article 18 and 19 which was seconded by Ms. Metro and voted majority in favor by roll call vote 7-0-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes, Ms. Seidel-yes, Mr. Westort-abstain and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting article 20 which was seconded by Ms. Metro and voted majority in favor by roll call vote 7-0-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes; Ms. Metro-yes, Mr. Westort-abstain and Mr. Heineman-yes.

Ms. Russo made a motion to approve town meeting article 21 which was seconded by Mr. Kelly and the motion failed by roll call vote 3-4-1; Mr. Gilmore-yes, Ms. Russo-no, Mr. Kelly-yes, Ms. Ferguson-no, Ms. Metro-no; Mr. Westort-abstain; Ms. Seidel-no and Mr. Heineman-yes.

Ms. Russo made a motion to approve town meeting article 22 which was seconded by Mr. Kelly and voted in favor by roll call vote 7-0-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes; Mr. Westort-abstain; Ms. Seidel-yes and Mr. Heineman-yes.

Ms. Metro made a motion to approve town meeting article 23 which was seconded by Mr. Kelly and voted against by roll call vote 3-4-1; Mr. Gilmore-yes, Ms. Russo-no, Mr. Kelly-yes, Ms. Ferguson-no, Ms. Metro-no; Mr. Westort-abstain; Ms. Seidel-no and Mr. Heineman-yes.

Mr. Kelly made a motion to approve town meeting article 24 which was seconded by Mr. Heineman and voted in favor by roll call vote 7-0-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes; Mr. Westort-abstain; Ms. Seidel-yes and Mr. Heineman-yes.

Ms. Metro made a motion to approve town meeting article 25 which was seconded by Mr. Kelly and the motion failed by roll call vote 3-4-1; Mr. Gilmore-yes, Ms. Russo-no, Mr. Kelly-yes, Ms. Ferguson-no, Ms. Metro-no; Mr. Westort-abstain; Ms. Seidel-no and Mr.

Heineman-yes.

Ms. Metro made a motion to approve town meeting article 26 which was seconded by Ms. Ferguson;

Mr. Heineman expressed concern that the town was banning homelessness in town. He also noted that a landowner should not be required to provide a note authorizing camping on one's property.

The motion failed by roll call vote 4-4; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-no, Ms. Ferguson-yes, Ms. Metro-no; Mr. Westort-yes; Ms. Seidel-no and Mr. Heineman-no.

Ms. Ferguson made a motion to approve town meeting article 27 was seconded by Mr. Kelly and voted in favor by roll call vote 7-1; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes; Mr. Westort-yes; Ms. Seidel-yes and Mr. Heineman-no.

Article 28 tabled until next meeting.

Discuss/Vote Article Presentations for Advisory Committee Booklet and Town Meeting
The members reviewed the articles and assigned them.

STM Art #	Subject	Presenter
1	Unpaid Bills	Jamie Gilmore
2	FY22 Budget Recons	Jamie Gilmore
3	Emergency Storm/Snow and Ice Removal Deficit	Jamie Gilmore
4	Community Preservation	Jamie Gilmore
5	New \$50M Water Treatment Plant & SCADA	Jerry Kelly

ATM Art #	Subject	Presenter
1	Compensation of Elected Officials	Jamie Gilmore
2	Reports of Boards & Committees	Jamie Gilmore
3	Capital Plan	Lynda Ferguson
4	Operating Budget	Jamie Gilmore
5	Waterways Enterprise Budget	Dan McGuiggin
6	Golf Course Enterprise Budget	Dan McGuiggin
7	Wastewater Enterprise Budget	Elise Russo
8	Transfer Station Enterprise Budget	Missy Seidel
9	Water Enterprise Budget	Jerry Kelly
10	Stabilization Fund Excess Levy	Lincoln Heineman
11	Revolving Fund Limits	Lincoln Heineman
12	Community Preservation #1-5; Set-asides, Admin, Debt	Elise Russo
12	Community Preservation #6-Lighthouse	Elise Russo
12	Community Preservation #7-Land Acq Hollett St	Elise Russo
12	Community Preservation #8 - Town Archives WPA Proj	Elise Russo
12	Community Preservation #9-Feasibility Study for Restoration of HS Tennis Courts	Elise Russo
12	Community Preservation #10 - Small Dog Park	Elise Russo
12	Community Preservation #11-Land Acq Mordecai Lincoln Property	Elise Russo
13	Community Preservation Rescissions	Elise Russo
14	Wind Turbine Partial Curtailment	Lynda Ferguson
15	Affordable Housing Trust – Small Grant Non Deed Restricted Program	Missy Seidel
16	MGL Chapter 91 Liability	Missy Seidel
17	Zoning Bylaw Amendment – Section 440.5 Business Districts	Dan McGuiggin
18	Zoning Bylaw Amendment – Section 610.1 Lot Area and Width Requirements	Dan McGuiggin
19	Zoning Bylaw Amendment – Section 800 Nonconforming Structures and Uses	Dan McGuiggin
20	Zoning Bylaw Amendment – Section 440.2 Replace existing Section 440.2 – Registered Marijuana Dispensaries with a new Section 440.2 Medical Marijuana Treatment Centers	Patrice Metro
21	Zoning Bylaw Amendment – Add a new Section 440.3 – Marijuana Establishments (Adult Use Marijuana Establishments)	Patrice Metro
22	Zoning Bylaw Amendment – Section 491. Temporary Moratoria	Patrice Metro
23	Zoning Bylaw Amendment – Section 492. Prohibition of Marijuana Establishments	Patrice Metro
24	Local Option Recreational Marijuana Excise Tax	Patrice Metro
25	General Bylaw Amendment - Section 32060: Prohibition on Marijuana Establishments	Patrice Metro
26	General Bylaw Amendment – New Section 30125 – Tenting, Camping and Sleeping in Public	Lincoln Heineman
27	Acceptance of Land Donation – Deer Common Drive	Missy Seidel
28	Petition – Shut Down of Wind Turbine	Lynda Ferguson

Other Business

Mr. Gilmore asked members if they had reviewed Mr. Kelly's letter to Plymouth County Retirement Association. Ms. Metro noted that she did not feel this action was within the Committee's remit. Ms. Russo agreed and noted that it would be more appropriate to report these concerns and recommendations to the Select Board. Ms. Connolly requested that the Advisory Committee come before the Select Board to discuss the concerns and not send such a letter without the Select Board approval. Mr. Kelly said he would forward the letter to the Select Board.

Mr. Heineman left the meeting.

Ms. Connolly asked the members if they would like to meet to have their joint public hearing on March 16th and by which meeting venue. Mr. Kelly asked about the expected length and Ms. Connolly responded about one hour. Ms. Metro recommended a ZOOM meeting which Ms. Connolly said may work better for the Moderator.

Ms. Holt reviewed the agenda items on the March 10th meeting.

Ms. Metro made a motion to adjourn the meeting which was seconded by Ms. Ferguson at 11:09 p.m.; the Committee voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Metro-yes and Ms. Seidel-yes.

Respectfully Submitted,

Nancy Holt
Recorder