

by eminent domain any land or easements necessary within the way laid out by the Board of Selectmen. The vote shall also carry a provision to provide damage awards, if necessary.

We recommend that Town Meeting hear the Selectmen's report relative to the layout and acceptance of the following as public ways: Conifer Hill Drive, Cornell Road, Doty Avenue, Healy Court, Gates Street, Hampshire Street, Regent Drive, Twin Echo Lane and Bridle Road Extension.

We further recommend that the Board of Selectmen be authorized to take by eminent domain, acquire by purchase or, as otherwise as may be necessary, to acquire the land and easements necessary for said layouts. In as much as these roadways have been maintained by the Town of Danvers as Public Ways, we do not recommend any damage awards under this Warrant Article request.

ARTICLE 16: Amendment to Town By-laws – Plastic Bag Reduction. To see if the Town will vote to amend the Town Bylaws by the addition of a plastic bag reduction bylaw, as follows, or take any other action thereon.

PURPOSE AND INTENT: The production and use of disposable plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to eliminate the usage of disposable plastic checkout bags by all retail and grocery stores in the Town of Danvers, effective June 1, 2019.

DEFINITIONS

Checkout bag: A carryout bag provided at the check stand, cash register, point of sale, or other point of departure for transporting food or merchandise from the Establishment.

Checkout bags shall not include:

1. Bags whether plastic or not in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment.
2. Laundry or dry cleaner bags
3. Bags used to contain phone books, magazines or newspapers
4. Bags used to contain or wrap frozen goods, meats or fish, whether prepackaged or not, to prevent leakage or contain moisture

Disposable plastic checkout bag: Any checkout bag made of plastic that does not meet the definition of "Reusable checkout bag," typically with plastic handles, and intended for transport of purchased products.

Recyclable paper checkout bag: Paper bags with or without handles that (1) are one-hundred percent (100%) recyclable, (2) contain a minimum of forty percent (40%) postconsumer recycled paper content.

Reusable checkout bag: Sewn bags with stitched handles that (1) are specifically designed and manufactured for multiple reuse, (2) can comfortably carry 25 pounds over a distance of 300 feet, (3) can hold a minimum of 15 liters or quarts, (4) can be readily washed or disinfected by hand or machine, and (5) is made of thick cloth, fabric or other durable materials.

Grocery Store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer home care and personal care products.

Retail Store: An establishment that offers the sale and display of merchandise within a building. Any retail establishment or non-profit that provides goods – including food and/or beverages – and/or services directly to consumers, with or without charge; sporadic, temporary, part- or full-time; commercial, religious, educational, foundation-related, or governmental; whether on private, public, religious, or school property. “Retail establishment” shall mean any business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, “mini marts”, restaurants or retail stores and vendors selling clothing.

USE REGULATIONS

Disposable plastic checkout bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Danvers.

Nothing in this section should be read to preclude any establishment from utilizing recyclable paper bags at checkout or making reusable checkout bags available for sale to customers.

Customers are encouraged to bring their own reusable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

ENFORCEMENT PROCESS

Enforcement of this bylaw shall be the responsibility of the Board of Health/Town Manager or his/her designee. The Board of Health/Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to penalty as follows:

First offense	Warning
Second offense	\$50 penalty
Third & each subsequent offense	\$100 penalty

No more than one penalty shall be imposed upon a retail establishment within a seven-day calendar period.

Alleged violations shall be subject to non-criminal disposition process, pursuant to MGL c.40, §.21d.

The Board of Health/Town Manager may promulgate additional guidelines and regulations consistent with the foregoing for the effective enforcement of this bylaw.

Explanation: In early 2018, a group of concerned Danvers' residents approached the Board of Selectmen to express their concern about the use of plastic grocery bags in Danvers. The Board of Selectmen offered their support and requested that staff work with this group to help develop an Article to be included on the Warrant for the 2018 Annual Town Meeting. Additional information presented by the Committee is included on **pages 32 and 33**.

Article 17: Rail Trail Expansion Planning. To see what sum the Town will vote to appropriate for the preparation of a preliminary design plan for a 3-mile, non-motorized, shared use trail to MassDOT standards, which will extend from the existing Rail Trail at Hobart Street to the Middleton town line, or take any other action thereon.

As part of the Rail Trail Advisory Committee's (RTAC) 2020 strategic plan, a 3.0-mile westward expansion of the rail trail from Hobart Street to the Middleton town line within an existing Town owned Right of Way (ROW) has been recommended. The westerly trail will provide non-motorized connectivity for users to access open space parcels, retail shops, schools, and medical facilities. Benefits of extending the trail west will also include safety and accessibility improvements along Maple Street (MA Route 62), and MA Interstate Routes 95 and Route 1. The Town of Middleton is planning their own rail trail that would eventually connect with this proposed stretch, thus connecting downtown Danvers to Middleton, as well as Peabody, Wenham, and Topsfield.

RTAC oversaw the successful completion of the existing 4.3 mile, north-south rail trail over the course of a decade and at no cost to the Town of Danvers. That trail is now one of the highest rated recreation assets in Town, and in recent years the Town has partnered with RTAC on several tax-supported repair/improvement projects.

The westward expansion poses several engineering challenges that the previous trail did not, so this appropriation will fund an initial engineering and design concept that will include: boundary surveying, wetland surveying, and flagging, drainage and grading analysis, the American with Disability Act (ADA) compliance, and preliminary plan permitting. This design concept will aid in the future development of the trail as well as accompany grant applications for supplemental funding, such as the MassTrails program administered by DCR. We recommend that the Town appropriate **\$150,000** from **Free Cash** for this purpose. **See map and project overview on pages 34 and 35.**

- Plastic bags are a major litter problem, thanks especially to their aerodynamic qualities.
- Plastic bags are often mistaken as food by both domesticated and wild animals. Birds, turtles, whales, sea lions, seals, and fish are among the species at risk.
- Ten percent of the plastic produced every year worldwide winds up in the ocean, 70% of which finds its way to the ocean floor, where it will likely never degrade.
- Every square mile of ocean had about 46,000 pieces of plastic floating in it.
- Rather than eventually breaking down into benign substances, polystyrene and plastic bags fracture into small plastic particles (microplastics), which persist in the environment.
- These tiny particles, 5 mm or smaller, present the greatest long-term danger, as these particles displace food supplies in the world's oceans.
- Animals from shellfish to whales can ingest them. This can displace space in the animal's stomach or block their digestive tracks, and then cause animals to die from starvation.
- Once microplastics enter our oceans, they will stay there virtually forever, because they persist and their removal is not possible.

ECONOMIC EFFECTS

- Every year, Americans discard 100 billion single-use plastic bags.
- The average family accumulates 60 plastic bags in only four trips to the grocery store.
- The plastic bag industry collects \$4 billion per year in profits from U.S. retailers, who pass the costs onto consumers.
- The average use time of a plastic bag is only 12 minutes.
- Recycling one ton of plastic bags costs \$4,000. The recycled product can be sold for \$32.

Recycling bags has been ineffective

- According to the State of California, the recycling rate of plastic carryout bags through the In-Store Recycling Program is less than 5%. (CalRecycle, 2011) The U.S. Environmental Protective Agency (EPA) report that 14.1% of plastic bags (of all kinds) are recycled. (EPA Office of Solid Waste, 2013) less than one percent of plastic carry-out bags are recycled each year.
- Recyclers report that it costs approximately 17 cents to recycle each plastic bag they receive and that it is very difficult to find a market for the recycled plastic film.
- In most cases it costs more to deliver the plastic to a recycling facility than the plastic is worth.
- Plastic bags are a hassle for recycling facilities – they are usually too contaminated to recycle, may contain sharp or otherwise hazardous materials, and they jam sorting equipment.

Bag litter can be prevented by implementing a ban on the free distribution of single use bags.

- The Washington D.C. bag Reduction Program resulted in a 50-60% decrease of single use bags, and 50% fewer bags were found in the annual cleanup of Anacostia River.
- In China, the use of plastic bags at supermarkets went down an average of 66 percent in one year, after the government enacted a ban on giving away free plastic bags. A survey showed that in the first year, 40 billion fewer plastic bags were given out at supermarkets.
- Within months of implementing an ordinance the number of consumers using reusable bags or taking no bag at all can reach 95% and above.

Changing consumer habits: To be effective at changing consumer habits, policies that restrict free distribution of plastic bags should:

- Provide consistency through broad coverage across all retail outlets, not just large groceries and pharmacies.
- Ensure a switch to reusable bags by eliminating the free distribution of disposable plastic bags.
- Bring local partners and stakeholders into the policy process and discuss the advantages and cost savings to businesses and the community.
- Explore options for distributing reusable bags to those that need them most.

61 Municipalities passed similar bans: Including: Barnstable, Brookline, Cambridge (includes a fee per bag), Concord, Falmouth, Great Barrington, Greenfield (proposed), Hamilton, Harwich, Manchester, Marblehead, Nantucket (\$125-3 on biodegradable packaging), Newburyport, Newton, Natick (proposed), Northampton, Pittsfield (proposed), Provincetown, Salem, Somerville (proposed), Truro, Wellfleet, Williamstown.

Retailers are making the switch: Trader Joe's and Whole Foods Market are encouraging customers to use reusable grocery bags and offer compostable bags as alternative.