

**Move Date: January 28, 2019**  
**Date Minutes Approved: February 4, 2019**

TOWN CLERK

2019 FEB 12 PM 12:47  
**OPEN SESSION MINUTES**  
DUXBURY, MASS.

**BOARD OF SELECTMEN**

**Present:** Theodore J. Flynn, Chair; Shawn Dahlen, Vice Chair; and David Madigan, Clerk

**Absent:** None

**Staff:** René J. Read, Town Manager; and Nancy O'Connor, Executive Assistant

**CONVENED IN OPEN SESSION –**

**I. CALL TO ORDER** The meeting was called to order at approximately 7:00 p.m.

**II. OPEN FORUM** Nothing brought forward.

**III. NEW BUSINESS**

***Discussion and review pertaining to Local Initiative Program (LIP) Application for Lincoln Street Housing Development – presented by Scott Lambiase***

Mr. Scott Lambiase informed the Selectmen that this Local Initiative Program is the result of several RFP's and that this was approved at a Town Meeting for affordable housing. He also mentioned that Town Counsel has reviewed and stated that all is in order. He further said that the contractor has been working with the neighbors and the Duxbury Affordable Housing Trust.

Mr. Madigan moved that the Selectmen approve and execute a letter of support for the Local Initiative Project (LIP) regarding the affordable housing development project at 0 Lincoln Street (Parcel #053-512-036-037) in Duxbury to be developed by Champion Builders, Inc.

Seconded by Mr. Dahlen Vote: 3:0:0

***Discussion pertaining to Duxbury's requests to Holtec re: Pilgrim Nuclear Power Station Decommissioning – presented by Mary Lampert***

Mrs. Lampert said that she received and reviewed Plymouth's request and feels that our community is impacted and should be considered. She put together the current requests, which she also discussed with Fire Chief Kevin Nord for emergency planning purposes. She continued to say that the Nuclear Regulatory Commission feels that offsite emergency planning is not needed. Mrs. Lampert said that it is their hope that Holtec will consider our list of requests for our Town's emergency planning and safety needs after decommissioning takes place. Mr. Flynn asked if Kingston or Carver have written a letter. Mrs. Lampert replied no – they haven't stepped up to the plate.

Mr. Madigan moved that the Board of Selectmen sign the letter to Holtec International outlining Duxbury's requests and expectations should the transfer of the Nuclear Regulatory Commission license be approved allowing for the transfer of Pilgrim Nuclear Power Station.

Seconded by Mr. Dahlen Vote: 3:0:0

**Review and vote on the following Annual Town Meeting Warrant Articles:**

**Article No. 38 – Statement of Principles Regarding the Decommissioning of the Pilgrim Nuclear Power Station – presented by Mrs. Mary Lampert of the Duxbury Nuclear Advisory Committee**

Mrs. Mary Lampert stated that it is important to get a vote in favor at Town Meeting in order to protect our community. She continued to say that we need to educate the community on the impact, and that there is an impact on elected officials to get behind and to support these issues. She mentioned that State Rep Josh Cutler, State Rep Kathy LaNatra, and Senator Patrick O'Connor have stepped up to the plate and that there are four bills before the legislature now. Mrs. Lampert said that our community has been the leading community to push legislature in the State. Mr. Flynn asked if there was any way to prevent rubblization. Mrs. Lampert replied that if Holtec does have its license approved, in their description of what they plan to do, they are not going to rubblize, but we won't know until Holtec's license application is approved.

Mr. Madigan remarked to Mrs. Lampert that they (DNAC) have done great work over the years and have been a great help seeing this through.

Mr. Madigan moved that the Board of Selectmen recommend the 2019 ATM Article regarding Statement of Principles Regarding the Decommissioning of the Pilgrim Nuclear Power Station. Seconded by Mr. Dahlen   Vote: 3:0:0

**Article No. 21 – Disposition of Town Land – Keene Street – Conservation Commission – presented by Joe Grady, Conservation Administrator**

Mr. Grady began by stating that the Town owner 3 ½ acres on Keene Street since 1936, which serves little purpose, and that AW Perry owns land surrounding this piece. He continued to say that AW Perry would like to own this parcel. Mr. Grady stated if approved at Town Meeting, they would go through the procurement process. He also mentioned that AW Perry has a larger piece of landlocked land (18 acres) and may be willing to swap for the 3 ½ acres.

Mr. Madigan moved that the Board of Selectmen recommend the 2019 ATM Article regarding the Disposition of Town Land – Keene Street. Seconded by Mr. Dahlen   Vote: 3:0:0

**Article No. 22 – Citizens' Petition –Exchange of Property**

Mr. Grady spoke on behalf of this Citizens' Petition as it relates to the Town-owned parcel on Keene Street. He stated that this may be Indefinitely Postponed because this was proposed by AW Perry before knowing that the Conservation Commission was proposing a similar article to dispose of the Town-owned parcel on Keene Street.

Mr. Madigan moved that the Board of Selectmen recommend the 2019 ATM Article regarding Citizens' Petition – Exchange of Property be Indefinitely Postponed. Seconded by Mr. Dahlen   Vote: 3:0:0

**Article No. 23 – Conservation Land Donation – Conservation Commission – presented by Joe Grady, Conservation Administrator**

Mr. Grady stated that this is a donation of salt marsh land (3 parcels), and in order to accept by the Town, the easiest way is by a friendly eminent domain taking (for probate reasons).

Mr. Madigan moved that the Board of Selectmen recommend the 2019 ATM Article regarding Conservation Land Donation. Seconded by Mr. Dahlen Vote: 3:0:0

**Article No. 29 – Farm Management Agreements – Conservation Commission – presented by Joe Grady, Conservation Administrator**

Mr. Grady stated that there are currently two (2) cranberry bogs under agreement which will expire in 2019, and a ten year agreement requires Town Meeting authority. He continued to say that these are bogs on East Street and Cherry Lane and was seeking authority to enter into ten year agreements to manage these bogs.

Mr. Madigan moved that the Board of Selectmen recommend the 2019 ATM Article regarding Farm Management Agreements. Seconded by Mr. Dahlen Vote: 3:0:0

**Article No. 39 – Citizens' Petition – Transfer of Town-owned Land Acquired by Tax Title to the Conservation Commission – South River Lane East – presented by Citizens' Petition proponents – Ms. Chris Campbell and Mr. Alex Chin**

Ms. Campbell stated that this article proposes that four (4) lots be transferred from the Town to the Conservation Commission. She further remarked that there have been development attempts in the past that have been denied and proposes this article as a final resolution. Ms. Campbell continued to say that these lots would match lots across the street that were transferred to the Conservation Commission back in 2013. She also mentioned that these lots have had water/soil/flood/wetlands issues and implications. Mr. Madigan asked if the Conservation Commission wants. Mr. Grady responded that the Conservation Commission have not met yet to vote on this, but that he expects them to accept.

Mr. Madigan moved that the Board of Selectmen recommend the 2019 ATM Article regarding Citizens' Petition – Transfer of Town-owned Land Acquired by Tax Title to the Conservation Commission – South River Lane East. Seconded by Mr. Dahlen Vote: 3:0:0

***Vote to re-open the Annual Town Meeting Warrant***

Mr. Madigan moved that the Board of Selectmen vote to re-open the March 9, 2019 Annual Town Meeting Warrant. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Read stated the reasons to re-open the warrant are as follows:

1. To move and renumber Articles 39, 40, and 41 to now be Articles 17, 18, and 19.

Mr. Madigan moved that the Board of Selectmen approve the moving and renumbering of Articles 39, 40, and 41 to Articles 17, 18, and 19 and to re-order. Seconded by Mr. Dahlen Vote: 3:0:0

2. In Article 4 – to correct a typographical error by removing the language Part IV and Effective July 1, 2019.

Mr. Madigan moved that the Board of Selectmen approve the removal of language in Article 4 (Part IV and Effective July 1, 2019). Seconded by Mr. Dahlen Vote: 3:0:

3. The addition of a Zoning Map to be inserted into Article 14 regarding medical marijuana overlay district.

Mr. Madigan moved that the Board of Selectmen approve the adding of a Zoning Map to be inserted into Article 14. Seconded by Mr. Dahlen Vote: 3:0:0

***Vote to close the Annual Town Meeting Warrant***

Mr. Madigan moved that the Board of Selectmen vote to close the March 9, 2019 Annual Town Meeting Warrant. Seconded by Mr. Dahlen Vote: 3:0:0

***Declare as Surplus – Senior Center office cubicles and misc. furniture***

Joanne Moore, Director of the Senior Center, is requesting permission to dispose of or donate the following items:

1. Miscellaneous used furniture (couches/chairs) – working with Dirty Deeds Done Dirt Cheap to donate to families in need. Value of these used items is minimal
2. Office cubicles (5) – working with GATRA to donate. Estimated value may be \$150 each.

Please note that the Friends of the Duxbury Council on Aging will be purchasing new furniture and office cubicles to replace these.

Mr. Madigan moved to declare as surplus miscellaneous used furniture (couches/chairs) and office cubicles in order to allow these items to be disposed of or donated, per the request of Joanne Moore, Director of the Senior Center. Seconded by Mr. Dahlen Vote: 3:0:0

**IV TOWN MANAGER'S REPORT**

Mr. Read stated that the Finance Committee meetings are going well, and that they will vote on the articles before presenting to the Board of Selectmen.

Mr. Read also wanted to mention that on February 5, 2019, at the Senior Center, there will be a large joint meeting regarding discussions pertaining to the Powder Point Bridge, the Seawall, the new DPW Building and PCE Water Pipes. The committees attending will include the Board of Selectmen, the Finance Committee, the Fiscal Advisory Committee, the Seawall Committee, the Board of Health, and the DPW Building Study Group.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

Mr. Tim Tedeschi tendered his resignation from the Duxbury Seawall Committee. The Board thanked him for his service.

Mr. Madigan moved that the Board of Selectmen appoint Mr. Arthur A. Haley, Jr. to the Duxbury Seawall Committee to fill an unexpired seat due to expire on 6/30/2021. Seconded by Mr. Dahlen Vote: 3:0:0

**VI ONE-DAY LIQUOR LICENSE REQUESTS** None presented.

**VII EVENT PERMITS**

***03/30/19 COA ½ Marathon***

Mr. Madigan moved that Mr. Christopher Barry, as a representative of the Friends of the Council on Aging, is granted permission to hold the 6th Annual Duxbury Half Marathon to raise money for the Alzheimer's Respite Program, on Saturday, March 30, 2019 at 7:00 AM (with a 7:30 AM race start), beginning and ending at the Duxbury Senior Center, 10 Mayflower Street, contingent upon the conditions of the permit. Seconded by Mr. Dahlen Vote: 3:0:0

**VIII MINUTES**

Mr. Madigan moved to approve the 01/14/19 Selectmen's Open Session Minutes, as presented. Seconded by Mr. Dahlen Vote: 3:0:0

**IX ANNOUNCEMENTS**

**1. Waiting Lists for Commercial Mussel & Razor Clam Licenses:**

Last call: Individuals on the Waiting Lists for Commercial Mussel and Razor Clam Licenses must renew their application annually within the month of January. The sign-up sheets are posted in the Selectmen's office.

**2. 2019 Dog Licenses and Duxbury Beach Dog Walking Permits:**

2019 Dog Licenses and Duxbury Beach Dog-Walking Permits are available at the Town Clerk's office. Dog Licenses are required for all dogs six months or older. A rabies certificate and proof of spaying/neutering must be presented when applying for license. See the Town Clerk's we Duxbury Beach Dog-Walking Permits are required to take a dog on the beach between April and September.

**3. Next Scheduled Selectmen's Meeting is on: Monday, February 4, 2019 and the joint meeting will be Tuesday, February 5, 2019 at the Senior Center.**

**X BONUS SHELLFISH SEASON (for February, 2019)**

Mr. Madigan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the commercial harvesting of softshell clams for the month of February, 2019 in accordance with posted Attachments B & C.
- 2) the commercial harvesting of quahog clams for the month of February, 2019 in accordance with posted Attachments A & C.

- 3) the recreational harvesting of softshell clams for the month of February, 2019 in accordance with posted Attachment D.

Seconded by Mr. Dahlen. Vote: 3:0:0

## **XI ADJOURNMENT**

At approximately 7:40pm, Mr. Madigan moved that the Board adjourn.

Seconded by Mr. Dahlen. Vote: 3:0:0

*Minutes submitted by Nancy O'Connor*

### *LIST OF DOCUMENTS (documents are kept in the Board of Selectmen files)*

- 1) *Agenda*
- 2) *LIP documentation*
- 3) *Documentation regarding Pilgrim Nuclear Power Station – Holtec letter*
- 4) *Draft – Annual Town Meeting Warrant and One-liners*
- 5) *Motion to re-open and then close the ATM Warrant*
- 6) *Motion re Senior Center surplus items*
- 7) *Committee appointments/resignation*
- 8) *Event Permit*
- 9) *Draft Minutes*
- 10) *Announcements*
- 11) *Bonus Shellfish*