

Date: February 18, 2020

Date Minutes Approved: March 9, 2020

TOWN CLERK

BOARD OF SELECTMEN

OPEN SESSION MINUTES

2020 MAR 10 AM 10:40

DUXBURY, MASS.

Present: David J. Madigan, Chair; and Theodore J. Flynn, Vice Chair

Absent: Shawn Dahlen, Clerk

Staff: René Read, Town Manager; John Q. Adams, Finance Director; 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 presented

III. NEW BUSINESS

Discussion of the Annual Town Meeting & Special Town Meeting articles

Article 23 – Amend Zoning By-laws: Flood Hazard Areas Overlay District

Ms. Valerie Massard, Planning Director, stated that FEMA was in the process of remapping inland maps, not coastal, by using a new technology mapping tool (LiDAR – by plane with radar) for FEMA and the State. She continued to say that all of this information is on the Planning Department's webpage on the Town's website. She further mentioned that the FEMA coastal maps of 2012, which were appealed by the Town who then worked with the Woods Hole Group to create a new model with the Town's data, were submitted to and accepted by FEMA and went into effect on 1/20/20.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #23, Amend Zoning By-laws: Flood Hazard Areas Overlay District, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 24 – Amend Zoning Bylaws: Establishment of Districts

Ms. Massard remarked that this article is for housekeeping purposes due to a scrivener's error, which doesn't change anything, just clarifies the by-law.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #24, Amend Zoning By-laws – Establishment of Districts, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 25 – Amend Zoning Bylaws: Move Uses to Use Table

Ms. Massard stated that this was related to recodification, which began before 2011 because of concerns with zoning by-laws. She continued to say that there was a committee appointed in 2011, which issued a report with recommended changes, but that it was later determined that the recodification be delegated to the Planning Board to include recodification in the Master Plan and proposed using a Use Table.

Mr. Jim Lampert, resident and Fiscal Advisory member, addressed the Selectmen and stated that he would like to clear up any uncertainties in order to get to a final table of uses. A short discussion

continued, and he provided a handout for the Selectmen, which will be kept in the Selectmen's clerical packet file.

The Selectmen would like to discuss this article further; therefore, took no position.

Article 26 – Amend Zoning Bylaws: Administrative Cleanup and Current Zoning Maps

Ms. Massard advised that this article was for administrative cleanup, but at this time will most likely be indefinitely postponed. The Selectmen would like to discuss further; therefore, took no position.

Article 27 – Amend General Bylaw – Add Stormwater and Illicit Discharge Bylaws

Ms. Massard commented that Duxbury is subject to a mandatory MS4 Permit process from the Commonwealth, which is a best practice and incorporated into other permitting processes that already exist. She continued to say that EPA mandated illicit discharge by-laws have to be adopted to comply with our permit, which also sets up the Board of Health to regulate.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #27, Amend General By-law – Add Stormwater and Illicit Discharge By-laws, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 28 – Amend General By-law: Modify Chapter 12 Local Historic District Bylaw

Ms. Massard explained that this another housekeeping item related to local historic districts and working with the Registry of Deeds in order to have recorded historic districts added to chain of title.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #28, Amend General By-laws – Chapter 12 Local Historic District, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 29 – Proposed New Local Historic Districts

Ms. Massard confirmed that there are four districts/properties proposed to be added and have been vetted through the State and recommended, which include Tarkiln (245 Summer Street); Bradford (900 Tremont Street); and Winsor (two properties at 397 and 405 Washington Street).

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #29 – Amend General By-laws – Proposed New Local Historic Districts, as presented. Seconded by Mr. Madigan. Vote: 0:2:0

Article 30–Transfer of Town-Owned Land to the Affordable Housing Trust - Lincoln Street

Mr. Read stated that this is two parcels of Town-owned land located on Lincoln Street acquired by a Judgment in Tax Lien Case for tax title purposes to the Board of Selectmen for purposes of conveyance and to authorize the Board of Selectmen to convey to the Duxbury Affordable Housing Trust for affordable housing purposes.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #30 – Transfer of Town-Owned Land to the Duxbury Affordable Housing Trust – Lincoln Street, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 41 – Appropriate Funds for Town Pathways

Mr. Tom Nee, Chair of the Sidewalk & Bike Path Committee, stated that this article was to provide seed money for surveys and preliminary design work before they can apply for grants keeping in-line with the comprehensive plan to provide safety. He continued to say that after discussions with Mr.

Read and Mr. Flynn regarding applying/looking into complete streets program, he is prepared to withdraw this article. He further commented that if the environment changes, the committee will revisit bringing another article in the future. Mr. Flynn moved that the Board of Selectmen Indefinitely Postpone Article #41 – Appropriate Funds for Town Pathways. Seconded by Mr. Madigan. Vote: 2:0:0

Article 42 – NStar Easement Request

Fire Chief Kevin Nord and ROCCC Director Mike Mahoney were in attendance. Chief Nord addressed the Selectmen and stated that due to the expansion/construction of the ROCCC (Regional Old Colony Communications Center) dispatch center, the electrical system needs to be updated, and the electric company needs access to the new transformer.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #42 – Nstar Easement Request, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 17 – Seawall Matching Grants Funds

Mr. Read stated that currently the state has a Dam and Seawall Repair Grant program limited to \$1m and requires a 25% match of these funds should the Town be awarded, so we need to have this cash on hand in order to apply for this grant.

Mr. Lampert, Fiscal Advisory Committee member, commented that the first steps would be ongoing appropriations each year, but that if we don't get a grant, do we build up a \$250k account. He continued to say that he would like more detail regarding the appropriations.

Mr. Jerry Pisani, Finance Committee member, questioned the viability of this plan, what percentage of the wall would be repaired with the \$1m, and how long would it last; and what is the life of existing wall. Ms. Massard replied that the life was about 50 years, and the wall has already gone beyond the anticipated life. She continued to say that this is a start to apply for this seawall/dam \$1m grant each time.

Ms. Alicia Babcock, seawall resident and member of the Seawall Committee, remarked that we don't know how long the seawall will last, but that we can't not do anything either because there are sections that are severely fractured, and we need to keep momentum moving forward.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #17 – Seawall Matching Grant Funds in the amount of \$250,000, as presented. Seconded by Mr. Madigan. Vote: 2:0:0

Article 18 – Powder Point Bridge Repairs

Mr. Read read the explanation as printed in the Warrant regarding seeking funding to cover the costs of engineering, environmental permitting, and construction for the project which includes repairs to the piles identified by MassDOT as the most critical in immediate need of attention. He continued to say that the long-term objective is to make a series of smaller scale repairs over the course of several years to ensure that the bridge is in compliance with MassDOT requirements.

Mr. Peter Buttkus, DPW Director, added that the plan is to repair the worst pilings as determined by MassDOT with steel, not wood, with additional steel put in between pilings. He included that these determinations were also the result of an engineering study.

More discussions ensued, and the Board of Selectmen decided to wait to vote on this in order to continue discussions and determine bet recommendation. Selectmen took no action at this time.

Article 6 – Capital Budget

No discussion and no action taken at this time.

Article 21 – Citizens’ Petition - Replacement of 4 Angled Parking Spaces in Halls Corner with One (1) Handicapped Space

Mr. Read recommended that the Selectmen vote to indefinitely postpone this article as the article proponent, Mr. Dick Brennen, is withdrawing.

Mr. Flynn moved that the Board of Selectmen recommend to Indefinitely Postpone Article #21 – Citizens’ Petition – Replacement of Four (4) Angled Parking Spaces in Halls Corner Between 1 Washington Street and 5 Standish Street with One (1) Handicapped Space in Halls Corner, as presented. Seconded by Mr. Madigan Vote: 2:0:0

Selectmen Vote to Open March 16, 2020 Special Town Meeting Warrant

Mr. Read began by explaining the need for a second Special Town Meeting on March 16, 2020 regarding ATM Article 39 – Conservation Land Purchase – Temple Street – Harrington Property. He stated that after several meetings, it was determined that the current article was not worded appropriately, and that the easiest way to remedy was to create a second Special Town Meeting warrant.

Mr. Flynn moved to the Board of Selectmen vote to open the March 16, 2020 Special Town Meeting warrant. Seconded by Mr. Madigan Vote: 2:0:0

Selectmen Vote on March 16, 2020 Special Town Meeting Article I – Conservation Land Purchase – Temple Street – Harrington Property

The Selectmen did not take a vote at this time.

Selectmen Vote to Close March 16, 2020 Special Town Meeting Warrant

Mr. Flynn moved that the Board of Selectmen vote to close the March 16, 2020 Special Town Meeting warrant. Seconded by Mr. Madigan Vote: 2:0:0

Selectmen Vote to Sign March 16, 2020 Special Town Meeting Warrant (3 originals

Mr. Flynn moved that the Board of Selectmen vote to sign the March 16, 2020 Special Town Meeting warrant. Seconded by Mr. Madigan Vote: 2:0:0

IV TOWN MANAGER’S REPORT

Mr. Read simply stated that the warrants were done.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION

Alternative Energy Committee – appointment

Mr. Flynn moved that the Board of Selectmen appoint Bernie Gardner to the Alternative Energy Committee for a term to expire on 6/30/22. Seconded by Mr. Madigan Vote: 2:0:0

Mr. Flynn announced that the Alternative Energy Committee still has two open seats and that the Duxbury Affordable Housing Trust also has an open seat, and that interested parties are encouraged to fill out a Talent Bank Form.

VI ONE-DAY LIQUOR LICENSE REQUESTS - None

VII EVENT PERMITS

06/07/20 Duxbury Fitness 2nd Annual 5K

Mr. Flynn moved that Ms. Anne Marie Winchester, as a representative of the South Shore Race Management, LLC, is granted permission to hold the Duxbury Fitness 5K Road Race in Duxbury on Sunday, June 7, 2020, from 9:00 AM to 11:00 AM and contingent upon the conditions of the permit. Seconded by Mr. Madigan Vote: 2:0:0

07/04/20 Duxbury Education Foundation July 4 Road Race

Mr. Flynn moved that Ms. Shannon McIntosh, as a representative of the Duxbury Education Foundation, is granted permission to hold a road race on Saturday, July 4, 2020, beginning at 6:00 AM (registration) to approximately 12:30 PM as described in the application materials, and contingent upon the conditions of the permit. Seconded by Mr. Madigan. Vote: 2:0:0

VIII MINUTES

Mr. Flynn moved that the Board of Selectmen approve the 2/10/20 Selectmen's Minutes, as presented. Seconded by Mr. Madigan Vote: 2:0:0

IX ANNOUNCEMENTS

1) Last Day to Register for Annual Town Meeting & the Annual Town Election

Monday, February 24 is the last day for Duxbury residents to register to be able to vote at the Annual Town Meeting and the Annual Town Election. The Town Clerk's office will remain open that day until 8 PM to accept voter registrations.

2) Beach and Transfer Station Stickers Sales:

Applications will not be available until March 2, 2020. Starting in 2020, certain Duxbury stickers may be purchased online at DuxburyStickers.CityHallSystems.com. On this secure web site you may purchase beach and transfer station stickers, and pay for your stickers with a credit or debit card. You may also purchase Duxbury stickers by calling City Hall Systems by phone at (508) 381-5456, or by visiting the Duxbury Town Hall.

3) Early Voting for the Presidential Primary:

Early Voting for the Presidential Primary: Voting booths will be set up in the lobby at Town Hall for early voting from February 24 through February 28, 2020. The parking spots alongside Town Hall will be reserved for voters.

The Early Voting Hours will be:

Mon., February 24	8 am- 7 pm (i.e., Town Hall hours)
Tues., Wed, & Thurs., February 25th -27th	8 am- 4 pm (i.e., Town Hall hours)
Fri., February 28	8 am- 1 pm

4) Table Reservations For Town Meeting:

If you are or your organization is interested in reserving a table to display information at the Duxbury Town Meeting on Saturday, March 14, please contact the Board of Selectmen office (Ext. 5402). Tables are limited and will be assigned on a first-come, first-served basis with preference given to Duxbury boards and committees and Duxbury civic organizations.

5) Next Scheduled Selectmen's Meeting will be on Monday, February 24, 2020.

X ADJOURNMENT

At approximately 8:55pm, Mr. Flynn moved that the Board adjourn.

Seconded by Mr. Madigan Vote: 2:0:0

Minutes submitted by Nancy O'Connor

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

- 1) Agenda*
- 2) ATM/STM Warrants and handouts*
- 3) STM 3/16/20 Warrant and motions*
- 4) Committee appointment*
- 5) Event Permits*
- 6) Minutes*
- 7) Announcements*