

Date: May 21, 2018

Date Minutes Approved: June 4, 2018

TOWN CLERK

2018 JUN 25 PM 4:51

DUXBURY, MASS.

BOARD OF SELECTMEN

Present: Theodore J. Flynn, Chair; and Shawn Dahlen, Vice Chair

Absent: David Madigan, Clerk

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

7:01pm The Landing at Island Creek Oyster Farm – Liquor License Application

Mr. Dahlen moved that the Board of Selectmen open the advertised public hearing for the new on-premises, All Kinds of Alcoholic Beverages liquor license application for Pros Only, LLC, d/b/a The Landing at Island Creek Oyster Farm, Jessica Cagle, Manager, for the premises located at 397 Washington Street (a/k/a 0 Washington Street), Duxbury, MA. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Chris Sherman, Mr. Skip Bennett, and Ms. Jess Cagle (Manager) were all in attendance. Mr. Sherman spoke to the Selectmen and provided slides showing a scaled plan of the dining and parking layout for the 120 person outdoor patio with food truck/raw bar. Mr. Sherman continued to say that is part of their mission to create business headquarters, outreach, public education and provide people with the ability to partake in the product and enjoy the waterfront. Mr. Sherman mentioned that they have met with neighbors, the Conservation Commission and have upcoming meetings with Zoning and Planning Boards. The hours of operation would be from noon to twilight in order to be out by dark.

Mr. Chuck Weilbrenner, owner of the Winsor House and Washington Street resident, spoke to the Selectmen in favor of this project as it will be beneficial. Mr. Weilbrenner asked the Selectmen to act favorably.

There were no further comments.

Mr. Dahlen moved that the Board of Selectmen, acting as the Local Licensing Authority, approve the new on-premises, All Kinds of Alcoholic Beverages liquor license for Pros Only, LLC, d/b/a The Landing at Island Creek Oyster Farm, Jessica Cagle, Manager, for the premises located at 397 Washington Street (a/k/a 0 Washington Street), Duxbury, MA, subject to the conditions of the license. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Dahlen moved move that the Board of Selectmen close the advertised public hearing. Seconded by Mr. Flynn Vote: 2:0:0

7:05 pm Continued Hearing - Amendment of Liquor License (Alteration of Premises) – Chestnut Street Grille

Mr. Dahlen moved that the Board of Selectmen open the continued advertised public hearing (continued from May 7, 2018) to consider an application for an Alteration of Licensed Premises to allow All Alcoholic Beverages to be served in a roped off patio section containing three tables and twelve seats for Chestnut Street Grille, LLC d/b/a Chestnut Street Grille, Emily Walker, Manager, License No. 0287-RS-0300, premises located at 8 Chestnut Street, Duxbury, MA.

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

Mr. Read mentioned that this hearing was continued because we were still waiting on information from the applicant, which has since been received.

Mr. Flynn asked for any comments from the public.

Mrs. Siobhan Perenick, of 24 Chestnut Street, spoke to the Selectmen. She stated that she has lived here for 27 years and never had a problem with prior restaurant owners until now. She was concerned that the outdoor seating would eliminate the use of the sidewalk because if used kids and others would be placed between cars and drinking patrons. She continued to say that this is already a congested area and asked that this be reviewed on an ongoing basis. Mrs. Perenick mentioned that she will not allow her children to go near this area. She also talked about the lack of consistency with the owner's proposed parameters and the different proposed items for outdoor dining. She continued to say that the Town record shows over 20 calls, which does not include neighbors' calls or walking over. She said that if this alteration of premises is granted, she hopes the Town will enforce the 8pm time the window is to be shut, and that the Grille be responsible for its patrons, parking and noise.

Ms. Susan Walker, owner of Chestnut Street Grille, spoke in response. She stated that their lights are LED, which are allowed, and not neon, which are not allowed. She continued to address the trash issues, which were discussed with Tracy Mayo, further mentioning that the big dumpster was not theirs and has since been removed. She further stated that they removed one table and reduced the seating by four seats to appease the neighbors. She said that there was a police call this winter regarding parking, which was due to the snow.

Ms. Lynn Shanahan, neighbor, asked what happens if people are eating at 7:55pm and it's time to pull in the tables. She further mentioned that there are problems with parking at the Cleaners and the owners (of the Chestnut Street Grille) do not adhere to the rules.

Ms. Emily Walker, Manager of Chestnut Street Grille, approached the microphone to address the issues. She stated that no one would be seated later than 6:40pm for dinner and would be done by 7:45 to have window closed by 8pm. She also said that the sidewalk will be 3 ½ feet wide, which will be enough room and for ADA compliance.

Mr. Read commented that one of the questions was the ownership of the sidewalk, which is privately owned. He further noted that one of the Selectmen's conditions is that the window be closed at 8pm and all tables moved back in.

Mr. Dahlen remarked that if the Selectmen grants this, it is an annual permit, which will be reviewed every year and can then evaluate if working. He also expressed that any complaints should be

directed to Scott Lambiase (Municipal Services Director) as he is the zoning enforcement officer and can answer questions.

Mr. Read then indicated that the complaint vehicle is the police department and that all applications are renewed every year as part of the annual process.

Ms. Sue Partain, of 27 Chestnut Street, remarked that the parking is an issue and that there have been several noise complaints even without the window opened. She continued to state that there has been trash all over the sidewalk. She further expressed that this is not a family restaurant because it has turned into a bar that serves food. She also indicated that there was a picture on Facebook of the owner's dog in the cooler, and the owners don't think rules apply to them.

Mr. Dahlen indicated that noise complaints should be registered with the police department.

Ms. Emily Walker addressed the parking and stated that parking won't be an issue because they are not adding seats.

Mr. John Clark, of 62 Lantern Lane, stated that the Chestnut Street Grille offers another price point and if you go there around 6:30-7:00pm, it is primarily families. After 9pm, yes, it is a bar.

Ms. Jackie Keith, 11 Myles View Drive, described the Chestnut Street Grille as a lovely, new family restaurant and a wonderful addition to Hall's Corner and enjoys going there.

Ms. Perenick stated that she would like to address the inconsistencies.

Ms. Emily Walker reiterated that the last seating will be 6:45pm to be finished by 7:45pm and tables in by 8pm.

Ms. Perenick asked what will happen if rules are not followed?

Mr. Scott Lambiase, Municipal Services Director, replied that we have Rules & Regulations to enforce if not followed, and they would be brought back to the Board of Selectmen.

Ms. Ilona Cabral, neighbor, mentioned that there has been parking in private lots and that she has to put out a cone and would like them to not park there.

Ms. Emily Walker responded that they could put up small signs to address the noise and private parking.

There were no more comments.

Mr. Dahlen moved that the Board of Selectmen, acting as the Local Licensing Authority, approve the application for an Alteration of Licensed Premises to allow All Alcoholic Beverages to be served in a roped-off patio section containing three tables and twelve seats for Chestnut Street Grille, LLC d/b/a Chestnut Street Grille, Emily Walker, Manager, License No. 0287-RS-0300, premises located at 8 Chestnut Street, Duxbury, MA, and which application is subject to all the required conditions of the ABCC (Alcoholic Beverages Control Commission) and the following conditions of the Board of Selectmen:

1. The applicant shall provide a scaled plan specifying the number of tables and seating (*done*);
2. The outdoor patio shall be accessible to persons with physical disabilities and in full ADA compliance;
3. The applicant shall provide egress in compliance with the building fire code;
4. Bollards shall be placed between the parking and the seating areas, while maintaining ADA compliance;
5. Any outdoor service shall be limited to the area depicted on the plans as submitted by the applicant which shall be considered part of this application and will remain on file in the Municipal Services Department and the office of the Board of Selectmen. There shall be no outdoor service to anyone not within the outdoor patio area;
6. The outdoor patio area shall be kept clean and clear of trash and debris at all times;
7. The applicant shall be responsible for the good conduct of its patrons;
8. The collapsible/retractable window proposed as part of this application shall be closed and all tables moved back indoors by 8:00 p.m.;
9. The collapsible/retractable window proposed as part of this application shall be closed during all live entertainment;
10. The applicant shall be responsible for adherence to the applicable sections of the "Rules and Regulations for the Licensing of Alcoholic Beverages Sales in the Town of Duxbury" relative to the proposed operation;
11. If applicable, following approval of the proposed application from the ABCC, the applicant shall arrange a meeting with the Municipal Services Director and the Police Chief prior to the commencement of construction to ensure that all requirements have been met; and
12. The applicant shall be subject to any and all additional conditions required by the Board of Selectmen as the Local Licensing Authority.

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

Mr. Dahlen moved move that the Board of Selectmen close the advertised public hearing.

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

7:15 pm Water & Sewer Commissioners

Discussion and review pertaining to water connection fee waiver for South Shore Habitat for Humanity for new housing on Temple Street.

Mr. Dahlen moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners for a discussion and review pertaining to a water connection fee waiver for South Shore Habitat for Humanity for the new housing on Temple Street with the intent of re-convening as Selectmen afterward. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Dahlen moved that the Board of Water & Sewer Commissioners waive the water connection fee in the amount of **\$9,000** for South Shore Habitat for Humanity in connection with the new housing they are developing on Temple Street (a/k/a Feinberg Bog), Duxbury.

Mr. Dahlen moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Seconded by Mr. Flynn Vote: 2:0:0

Acceptance of a Donation / Harbormaster's Dept.

This will be moved to the June 4, 2018 Selectmen's meeting as Mr. Dahlen cannot vote since this is a donation from the Duxbury Beach Reservation.

IV TOWN MANAGER'S REPORT

1. The pole has arrived to replace the downed emergency siren pole at the corner of Chandler Street and Route 14.
2. The Senior Center construction is to begin May 29 and continue for 170 days with wrap up by November. Groundbreaking will be scheduled around June 27.
3. Fox25 contacted us regarding their Zip Trip scheduled in Duxbury for 8/24/18, and we will be last town visited.
4. Duxbury Beach update: Currently, there are 11 active plover nests on Duxbury Beach. This is six fewer than last year at the same time when there were 17 nests and 27 pairs of birds. Right now, the beach is open to both pedestrians and off-road vehicles, but that may change June 2 when the first plover chicks are expected to hatch. Then, most of the beach could be off limits. The area between the first and third crossover may also be closed if all active nests hatch and the chicks stay in the immediate nesting area; however, the chicks roam all over the beach and since they are considered a threatened species (the level just below endangered) and must be protected as mandated by both state and federal laws, then all of the beach could have restrictions on it.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. Dahlen moved that the Board of Selectmen appoint Cece Frame to the Old Colony Elder Service, as the Duxbury delegate to the Old Colony Elders Service Board, for a term to expire on June 30, 2020. Seconded by Mr. Flynn Vote: 2:0:0

VI ONE-DAY LIQUOR LICENSE REQUESTS

9/5/18 and 9/6/18 -- Outstanding in the Field Dinner Events

Mr. Dahlen moved that Ms. Lydia Witter, as a representative of Outstanding in the Field, is granted a One-Day Wine and Malt License for a dinner event to be held at the property of Charles J. Husk, 160 Marshall Street, Duxbury, MA on Wednesday, September 5, 2018 from 3:00 PM to 8:00 PM, contingent upon the conditions of the license. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Dahlen moved that Ms. Lydia Witter, as a representative of Outstanding in the Field, is granted a One-Day Wine and Malt License for a dinner event to be held at the property of Charles J. Husk, 160 Marshall Street, Duxbury, MA on Thursday, September 6, 2018 from 3:00 PM to 8:00 PM, contingent upon the conditions of the license. Seconded by Mr. Flynn Vote: 2:0:0

VII EVENT PERMITS

6/9/18 Duxbury Youth Lacrosse Event

Mr. Dahlen moved that Allyson Frazier, as the representative of Duxbury Youth Lacrosse, is granted permission to conduct an End of the Year Celebration on Saturday, June 9, 2018 from 8:00am to 2pm at the DCF and Brooks Fields behind the Steele Building, subject to the conditions of the permit.

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

VIII MINUTES

Mr. Dahlen moved that the Board of Selectmen approve the 05/07/18 Selectmen's Minutes, as presented. Seconded by Mr. Flynn Vote: 2:0:0

IX ANNOUNCEMENTS

1. Memorial Day Parade

The Memorial Day Parade and Ceremonies will be held on Monday, May 28th. The parade will begin 10 a.m. at Standish Cemetery, then travels up Depot Street to Mayflower Cemetery for a wreath laying ceremony before returning to First Parish Church for the formal ceremony at 11:15 a.m. This year's keynote speaker will be Duxbury High School graduate and current army recruiter Sgt. Jake Grawzis. Sgt. Grawzis is an Infantry NCO who has served four tours of duty in the Middle East.

Town Hall will be closed on Monday, May 28th in observance of Memorial Day.

2. Next Regular Selectmen's Meeting is on: Monday, June 4, 2018.

X BONUS SHELLFISH SEASON for June

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

- 1) the commercial harvesting of softshell clams for the month of June, 2018 in accordance with posted Attachments B & C.
- 2) the commercial harvesting of quahog clams for the month of June, 2018 in accordance with posted Attachments A & C.
- 3) for the recreational harvesting of softshell clams for the month of June, 2018 in accordance with posted Attachment D.

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

XI ADJOURNMENT

At approximately 7:50p.m., Mr. Flynn moved that the Board adjourn.

Seconded by Mr. Dahlen 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) The Landing at Island Creek Oyster Farm – New Liquor License request documentation*
- 3) Documentation regarding Amendment of Liquor License – Chestnut Street Grille*
- 4) Water & Sewer Commissioners – Agenda and water connection waiver info.*
- 5) Documentation regarding ATV donation – Harbormaster*
- 6) Town Manager's Report*
- 7) Appointment*
- 8) ODLL – Outstanding in the Field Dinner*
- 9) Event Permit – Duxbury Youth Lacrosse Event*
- 10) Draft Minutes*
- 11) Announcements*
- 12) Bonus Shellfish - June*

