

Date: October 23, 2017

Date Minutes Approved: November 6, 2017

TOWN CLERK

BOARD OF SELECTMEN MINUTES

2018 JAN 10 AM 10:54

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

Absent:

Staff: René J. Read, Town Manager and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order at 7:00 pm in Open Session in the Duxbury Town Hall (Mural RM), 878 Tremont ST, Duxbury.

II OPEN FORUM

Nothing was brought forward. However, Ms. Lorrie Hall arrived a few minutes later and indicated to the Board she had an Open Forum item. The Chair said he would revisit Open Forum later in the meeting.

III NEW BUSINESS

Discussion Pertaining to 74 Bay Road, Duxbury - MGL Chap. 61A –potential purchase

Mr. Steve Dunn, Director of Assessing, explained that when the Assessing Department received notice of the potential sale of the property and planned development, they prepared the ramification of the roll back tax. The Board's decision this evening will determine whether the roll back taxes need to be collected.

Mr. Dahlen explained that Chapter 61A is a category of land assessment and taxation of agricultural and horticultural land. Land with this designation receives a tax break, but if the property owner ever sells the land, with the intent to take it out of agricultural /horticultural use, then two things happen:

- (1) The Town has the right of first refusal to purchase the land; and
- (2) The property owner has to pay the back taxes.

Mr. Dunn mentioned this property has been under the Chap. 61A designation for over 10 years. He noted, however, that for properties under the designation for less than 10 years the property owner would have to pay a conveyance tax if he sells his enrolled land for a use other than agriculture or horticulture. The conveyance tax is 10% of the value of the property minus 1% for each year since the property was last used for agriculture / horticulture.

Mr. Dahlen, who is also a member of the Duxbury Affordable Housing Trust (DAHT), mentioned the following regarding the 74 Bay Road property:

- The total parcel is about 11 acres of land that fronts on Bay Road. It is also known as Howland's Farm.
- It has a substantial area of wetlands and an area believed to contain old Indian artifacts.
- Initially the DAHT thought that 74 Bay Road might be a property the DAHT would be interested in acquiring as a location for potentially senior housing.

- Then the DAHT learned that the property was already under agreement. The agreement for the entire property is \$1.1 million, but only about half of property is under Chapter 61A.

Mr. Dahlen then elaborated to explain some of the thought process the DAHT used, which led them to vote not to pursue the property for affordable housing. He mentioned the following:

- He made a comparison between 74 Bay Road and the DAHT's property on Lincoln ST. Said that DAHT is planning to develop 20 units on 20 acres with 5 affordable units and 15 market value units. The Town would get back about \$1 million dollars. At 74 Bay Rd, the DAHT figured that they would have to put 20 units on less than 11 acres (given the wetlands and artifact areas) to make it economically feasible, but that would be highly unlikely. Therefore, the DAHT voted not to purchase the property.
- The other consideration was that for a larger development it would make more sense to have the access come off of Chestnut ST. That would involve purchasing another parcel the sellers own.

Ms. Lorrie Hall, 175 Abrams Hill, said she understood from speaking with Conservation Agent Joe Grady that there are not sufficient funds in the CPC Open Space Account as those funds have already been earmarked for other properties. She understands that purchasing the property would require bonding and that is not likely. She opined that it was a shame not to be able to purchase this amount of open space that close to the center of town, which could be used for a community garden or for a playground or for fields.

Mr. Flynn moved that the Board of Selectmen do not pursue the purchase of 74 Bay Road. Second by Mr. Madigan. VOTE: 3:0:0.

II OPEN FORUM –re-visited

Ms. Lorrie Hall said that she had heard that there will be an article on the Town Meeting warrant to ban recreational marijuana sales, and wanted the Board's assurance that this was true. She also mentioned that it was her understanding that if the Town had voted against recreational marijuana on the November 2016 Ballot, then the Selectmen could vote to ban it without the need for a Town Meeting vote.

The Board assured Ms. Hall of their intention to have an article on the 2018 Town Meeting warrant regarding the banning of recreational marijuana. They explained to her that there were variations to the requirements, which is why it has been referred to Town Counsel to make sure the proper procedure is followed. At the moment the Board's understanding is that it does need to go to Town Meeting, but it does not have to go on a ballot.

Mr. Read reinforced the Board's comments by mentioning that the Selectmen had asked him to work with Town Counsel to make sure an article is ready for the upcoming Town Meeting. He added that two weeks ago he met with Atty. Barbara Saint Andre and gave her the Town's certified vote on the ballot question as part of this process.

IV TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following:

1. Halloween FunFest!

The Recreation's Department's 3rd Annual Halloween FunFest will be on Friday, October 28th From 6:30-7:30pm in the Chandler gym. This is a free event for Duxbury residents only. FunFest is for children ages toddler thru 2nd grade.

2. Articles

- a. For anyone contemplating submitting a Citizen's Petition article, our office would kindly suggest and strongly encourage you to please stop by our office BEFORE obtaining the requisite signatures so that we can work to help ensure that your proposed questions are framed properly.
- b. Food Excise Tax: Mr. Read mentioned that a year or two ago at Annual Town Meeting an article was passed allowing for the collection of a food excise tax. As an update to the Board he mentioned that the Town has collected in the past 10 months \$87,524.71 which is on target for +/- \$100,000/year anticipated. This figure accounts for slightly more than 1% of our local receipts. He said they had budgeted \$60K.

3. Equalizer 2 (Columbia Pictures Upcoming Filming)

Mr. Read read the following notice that Columbia pictures provided to residents in the affected areas:

Dear Neighbor,

Columbia Pictures is currently in production on the feature film "The Equalizer 2" starring Denzel Washington and is scheduled to film on the Powder Point Bridge. Filming is scheduled to take place over the course of one day on Monday, October 30th.

To facilitate filming there will be a temporary road closure for all non-residents heading in the direction of Powder Point Bridge at the following locations:

- Powder Point Ave at Weston Rd
- King Caesar Rd at Weston Rd
- King Caesar Rd at Upland Rd
- Powder Point Ave at Crooked Ln

All residents will have access to their homes. However, there will be no vehicle or pedestrian access to the Powder Point Bridge. The Duxbury Beach will be closed to the public during filming.

During filming there is one scene with simulated gunfire. We will be doing 1 shot per take and about 3-4 takes of this scene. The sound is similar to a firecracker. Duxbury PD is aware of this scene and we are working closely with them.

If you have any questions or concerns (deliveries, construction, accessibility needs, ect) please feel free to email us at EQ2locations@gmail.com or call us at 781-269-1573. On behalf of the crew we would like to thank you for your hospitality and cooperation as we look forward to filming in your area.

Sincerely,

The Equalizer 2 Locations Dept

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Registrars of Voters

Mr. Flynn moved the following appointment/ re-appointment to the Registrars of Voters:
Ms. Carolyn Wadsworth appointment for a term to expire on April 1, 2020 and Mr. Paul Christo
re-appointment for a term to expire April 1, 2018. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn announced the following open seats:

- The Registrars of Voters has one open seat for term to April, 2019. Anyone interested should fill out a Talent Bank form or talk to the Town Clerk.
- The Personnel Board has one open seat. The Personnel Board is especially interested in any individuals, who may have Human Resource experience. Anyone interested should contact Human Resources Director Jeanne Horne or fill out a Talent Bank form.

VI ONE-DAY LIQUOR LICENSE REQUESTS - none

VII EVENT PERMITS

11/18/17 Recreation Department – Turkey Trot

Mr. Flynn moved that the Board of Selectmen grant to Steve Studley, as a representative of the Duxbury Recreation Department, a permit to hold the their annual Turkey Trot fun run on Saturday, November 18, 2017 from 10:00 AM to 12:00 noon, beginning and ending at the Percy Walker Pool, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

IX MINUTES

Executive Session Minutes: *None*

Open Session Minutes: 10-16-17 Selectmen's Minutes -DRAFT

Mr. Flynn move that the Board of Selectmen approve the 10-16-17 Selectmen's Minutes, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

X ANNOUNCEMENTS

Mr. Flynn read the following announcements:

1. Columbia Pictures Filming

Reminder: Columbia Pictures will be conducting a film shoot involving the Powder Point Ave-King Caesar Road area and the Powder Point Bridge and Duxbury Beach on **Monday**,

October 30, 2017. The public is asked to please avoid being in those areas on that date.

2) South Shore Veterans' Town Hall

Reminder: The South Shore Veterans' Town Hall with Secretary of Veterans' Services Francisco A. Urefia will be on Thursday, October 26, 2017 from 6:00 PM to 7:30 PM at the Hingham Town Hall.

3) Community Compact Signing with Lt. Governor Karyn Polito

The public is invited to attend the Duxbury's Community Compact signing with Lt. Governor Karyn Polito on Wed., November 1, 2017 at 5:15 PM at the Duxbury Senior Center (Ellison RM), 10 Mayflower ST, Duxbury.

This will be a short ceremony for the signing of the Community Compact following which the Lt. Governor will be available for a brief question and answer period.

4) Next Board of Selectmen's meeting: November 6, 2017

XI BONUS SHELLFISH SEASON (for November, 2017)

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

- 1) the **commercial** harvesting of **softshell clams** for the month of **November, 2017** in accordance with posted Attachments B & C.
- 2) the **commercial** harvesting of **quahog clams** for the month of **November, 2017** in accordance with posted Attachments A & C.
- 3) the **recreational** harvesting of **softshell clams** for the month of **November, 2017** in accordance with posted Attachment D.

Second by Mr. Madigan. VOTE: 3:0:0.

XII ADJOURNMENT

At approximately 7:28 PM., Mr. Flynn moved that the Board adjourn the meeting. Second by Mr. Madigan. VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

(See next page for list of documents.)

LIST OF DOCUMENTS FOR 10-23-17 SELECTMEN'S MEETING

(Documents for Executive Session will be noted on Executive Session Minutes)

1. *Agenda for: 10-23-17 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
Discussion Pertaining to 74 Bay Road, Duxbury - MGL Chap. 61A –potential purchase: Coversheet; 10-19-17 Diane Bartlett email –DAHT's vote; 09-27-17 René Read Letter to Seller's Attorney; Boundary Map and lot map; 09-11-17 Certified Letter from Sellers to Town Officials as Notice of Intent with Purchase and Sales Agreement; MGL Chap. 61A Sect. 14 language
4. *Town Manager's Report: Columbia Picture's mailing*
5. *APPTS./Re-APPTS/RESIGNATIONS: 10-23-17 Appointments / Reappointments sheet.*
6. *ODLLs: none*
7. *EVENT PERMITS:*
11/18/17 Recreation Department – Turkey Trot: Draft Event Permit and Packet.
8. *MINUTES: 10-16-17 Selectmen's Minutes-Draft*
9. *ANNOUNCEMENTS: Suggested Announcements for 10-23-17*
10. *BONUS SHELLFISH SEASON for November, 2017*