

Date: April 25, 2022

Date Minutes Approved: 05/02/2022

TOWN CLERK

2022 MAY -3 PM 8:46

DUXBURY, MASS.

OPEN SESSION MINUTES

BOARD OF SELECTMEN

Present: Fernando Guitart, Chair; Cynthia Ladd Fiorini, Vice Chair; and Theodore J. Flynn

Absent: Michael McGee, Clerk; and Amy M. MacNab

Staff: René Read, Town Manager; and Michelle Seda-Stotts, Administrative Assistant

Others: Valerie Massard; Chief Stephen McDonald, DPD; Deputy Chief Mike Carbone; Lt. Chip Chubb; Sgt. Friend Wieler; Sgt. Tom Brown; Jake Emerson, Harbormaster; Richard Brennen, Chair, SAC; and Kevin Thomson.

CONVENED IN OPEN SESSION

I. CALL TO ORDER This meeting was called to order at approximately 6:00 pm.
Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

II PLEDGE OF ALLIGIANCE

III OPEN FORUM PUBLIC COMMENTS - No Comments

IV NEW BUSINESS

Discussion pertaining to Multi-Family Zoning Requirement for MBTA Communities – presented by Valerie Massard

Mr. Guitart began the discussion by stating that Valerie Massard was presenting and for those who may be interested in participating in the discussion, we encourage you to watch the State's overview presentation prior to the meeting which can be found by using the following link:

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities#webinar->

Ms. Massard began by stating this presentation is to inform the Selectmen of the Department of Housing and Community Draft Guidelines for the implementation of the MBTA Zoning:

Why? Cost of housing and living...

- The greater Boston region has the third-highest expensive housing market in US (second to San Francisco and New York)
- 2010-2020 Boston's cost of living increase 21% (48% higher than national average - one of highest in US)

- Duxbury housing values up 21.5% (Zillow); average sale price up 44.4% (Jack Conway realtors) year over year.

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CA (September 2021) passed legislation which over-rides SF zoning, many loopholes have evolved...

- Housing conundrum – low supply, low rental vacancies, high demand – across US (COVID material & labor shortages adding pressure)
- Workforce saying “no thank you” – repair/maintain/upgrade old housing stock; snow/weather
- South Shore trends to aging/retired population, lower school populations
- Midwest, southwest, southern US – new homes, lower cost of living; ME & VT paying people to move there

MA using similar state-down approach to California, in this case by requiring higher density development near transit

What New Section 3A of M.G.L. c. 40A (Zoning)

Enacted in 2021 Economic Development Bond Bill **Chapter 358 of the Acts of 2020**

All MBTA Communities must have at least one zoning district of reasonable size in which multi-family housing is permitted *as of right** and meets other criteria set forth in the statute, and DHCD to issue Guidelines:

- Min. gross density 15 units/acre; reasonable size (50 acres according to Guidelines);
- Not more than ½ miles from commuter rail station, subway station, ferry terminal or bus station, if applicable; and
- No age restrictions and suitable for families with children.

**Only site plan review, by-right development, is consistent.*

All communities served by the MBTA need to zone to allow for multifamily housing by-right, with a greater obligation for communities with higher levels of transit service. Duxbury fits the categorization by definition because it is adjacent to towns with train stations.

How does Duxbury fit?

Duxbury is an “Adjacent” MBTA community

- Duxbury would be required to have at least 750 by right multi-family units zoned (no bedroom capacity established) by right, on at least 50 acres of land with gross density 15 units/acre
- Located “in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, or near an existing downtown, village center or other area of concentrated development”

When? The timeline is:

December 15, 2021- Draft guidelines released and website launched

March 31, 2022 – Public Comment period ends

May 2, 2022 – Deadline to submit MBTA Community Information Form

June 2022 Final Guidelines will be issued.

December 31, 2022 – Submit Action Plan or Request for Compliance Determination

March/July 2023 – Action Plan approval for DHCD

December 31, 2023 – Subway and Bus Communities must adopt zoning amendment

December 31, 2024 – Commuter Rail and Adjacent Communities must adopt zoning amendment
Duxbury would essentially have one year to adopt zoning for the town that would meet these criteria under the legislation and guidelines set forth.

What happens with noncompliance?

Duxbury will lose eligibility for funds from the Housing Choice Initiative grant program (funds broad infrastructure and other improvements, Duxbury is currently not eligible based on its zoning & other criteria);

- funds from MassWorks (funding roads & infrastructure, safety/economic development – much faster than TIP – highway & state road improvements)
- funds from Local Capital Projects Fund (Section 2EEEE of Chapter 29); and
- *DHCD will use this in its discretion with other grant programs.*

Other state programs have threatened, during the outreach, to become included in terms of ineligibility, but this is not legislated at this time.

Public Comment & Next Steps

- MMA & MMLA joint 26-page letter requesting significant changes detailing discrepancies, redline comments, and offer to assist with rewrite.
- Final guidelines will be issued: June 2022.
- With this meeting, Duxbury is eligible for 2022 by the May 2 deadline.
- No further action is required at this meeting.
- **Action Plan** due to DHCD **by December 2022** (*or seek determination of compliance – Duxbury does not currently comply*)

Ms. Massard concluded with asking if they had any questions. Ms. Ladd Fiorini asked if the Community information form needed to be filled out. Ms. Massard said “Yes” she needs the draft minutes from tonight’s meeting to include with submittal of form, we have one more week. Ms. Ladd Fiorini also asked about the Island Creek development and some of the multi-family units, existing now, would count towards this. Ms. Massard replied the Town would have to go through the process of going thru its mapping and showing its more than one parcel, that its by-right, which it is currently not, it’s a 40b comprehensive permit. You would need new zoning or re-zoning the already existing 40b, with a by-right development on more than one parcel, so you would have to go beyond the 40b and have at least 50 acres for by-right, then you would be able to start talking about whether you comply. Ms. Ladd Fiorini was concerned about the 50 acres being contiguous because she did not believe that the Town has that available. Ms. Massard replied that we are not alone in that and many communities have been able to demonstrate that with the train station or bus stop that exist in their community, noting that many communities were not properly characterized by the state, have been able to demonstrate that they could have 25 acres adjacent to and 25 acres somewhere else but it has to be done thru an analysis to demonstrate that you cannot do it adjacent to. Most adjacent communities, such as Duxbury, they are not being clear as to where it would have to go, so you have some flexibility there and not sure if it has to be contiguous because its not clear in the guidelines as to how they are going to treat this. Another issue is that it does not address affordable housing in any way. This will be market rate housing described here.

Mr. Flynn commented that this was ludicrous and hopes it will be re-written. Mr. Read inquired about Marshfield declining to be involved with the MBTA. Ms. Massard replied yes, they said they would go along without funding from the State because they didn't appreciate other state agencies threatened to include themselves in the boycott of funding for the Towns. Some agencies have decided that if the Towns not compliant with the zoning by laws, then they are not eligible for the grants. State agencies need to revisit this. Mr. Read stated that we haven't used the housing initiative, we didn't qualify. So doing nothing might be a viable option. Ms. Massard said absolutely they are guidelines not regulations. Mr. Read thanked Ms. Massard and was pleased with her presentation. Mr. Guitart thanked her as well.

Discussion regarding MPAC-Accreditation-Memo from Chief Stephen McDonald

Chief McDonald read the following memo:

It is my pleasure to update you all on our most recent Massachusetts Police Accreditation Commission (MPAC) Re- Accreditation process. Even as many employers were shutting down or limiting services due to COVID-19, the Duxbury Police Department continued to operate at, or above, a level required to demonstrate compliance with the requirements of Massachusetts Police Accreditation. Out of the 357 Massachusetts law enforcement agencies, only 100 are Accredited. Every three years, the Department is evaluated by a team of MPAC Assessors that verifies our compliance with, and adherence to, all 257 mandatory standards, and no less than 70% of the 125 optional standards during the preceding 36 months. We were awarded our 2021 Accreditation Certificate on May 20th, 2021.

The Accreditation Process is meant to ensure a Police Department's adherence to Public Safety best practices. Achieving accreditation is intended to signal a high level of professionalism on the part of the agency. Participation in this process:

- Provides a norm for an agency to judge its performance.
- Provides a basis to correct deficiencies before they become a public problem.
- Requires agencies to commit their policies and procedures to writing.
- Promotes accountability among agency personnel.
- Provides a means of independent evaluation of agency operations for quality assurance.
- Enhances the reputation of the agency and promotes public confidence in the agency.

It also provides insurance benefits to the Town and helps to protect against litigation stemming from Police actions. This benefit was readily apparent when in February of last year, a Federal Court Judge ruled in the Town's favor and dismissed a suit brought against the Town arising from an arrest. The court's ruling was based in-part on our accreditation status.

The Duxbury Police Department was the first Police Agency in Plymouth County to Receive MPAC Accreditation when it did so in 2006. We have been awarded Re-Accreditation five times since then.

Chief McDonald stated that it's a lot of work to get the Accreditation but maintaining it is even more daunting. Sgt. Weiler is the program manager, under the supervision of Lt. Chubb, and he is turning it over to Sgt. Brown who will get us through the sixth edition.

Mr. Guitart and the Board are extremely proud of the work they have done.

Review and Vote on annual Arbor Day Proclamation

Mr. Guitart explained the Arbor Day Proclamation is an annual requirement regarding Duxbury's Tree City designation. There are standards that must be maintained in order to hold the Tree City designation and one of them is to have an Arbor Day Observance and Proclamation.

Mr. Ladd Fiorini read the Proclamation:

WHEREAS, The Town of Duxbury has been named a Tree City USA by the National Arbor Day Foundation, a nonprofit education organization dedicated to tree planting and environmental stewardship, and

WHEREAS, The Town of Duxbury has received this national recognition for over twenty years, and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and are a source of joy and spiritual renewal.

NOW THEREFORE

We, the Duxbury Board of Selectmen, by and through its Chair, and Duxbury Town Manager do proclaim April 29, 2022 as Arbor Day in the Town of Duxbury to be observed with ceremonies at Chandler School during the afternoon. We urge citizens to support efforts to care for our trees and woodlands and to support the Town's community forestry program.

Ms. Ladd Fiorini moved that the Board of Selectmen approve the Arbor Day Proclamation, as presented.

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

V TOWN MANAGER'S REPORT

Mr. Read read the following:

Updated Emergency Notification System

The Town of Duxbury has changed vendors for our public notification platform from Blackboard Connect to Civic Plus/Civic Ready. As a result of this change, many of the system users were not able to be migrated from the previous system (which had +/-10,000 users) to the new platform because of the privacy agreements between the individual users and Blackboard Connect. Since the previous

system is no longer in use, anyone wishing to continue receiving emergency alerts and/or severe weather warnings can sign up to do so by clicking on the following link:

<https://public.alertsense.com/SignUp/?RegionId=1749>

There is also a mobile app available, the link(s) for which can also be found via the link above.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS - None

VII ONE-DAY LIQUOR LICENSE REQUESTS

05/22/22 Duxbury Art Complex Museum – Artist Reception

Ms Ladd Fiorini moved that Ms. Doris Collins, as a representative of the Duxbury Art Complex Museum, is granted a One-Day Wine & Malt License to hold an artist reception on Sunday, May 22, 2022 from 1:00 PM to 4:00 PM at the Art Complex Museum, 189 Alden Street, contingent upon the conditions of the license.

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

VIII EVENT PERMITS - None

IX MINUTES

Ms. Ladd Fiorini moved to approve the moved to approve the 03/21/22 and 04/04/22 Selectmen's Open Session Minutes, as presented and amended.

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

X ANNOUNCEMENTS

1) Commercial Shellfish License Applications:

Commercial Shellfish License Applications are available in the Board of Selectmen Office in Old Town Hall. You can apply only during the month of April, and applicants must be a Duxbury resident and have a Massachusetts Commercial Fisherman's Permit showing "endorsed shellfish." For more information, please contact the Selectmen's office at 781-934-1100 x5401.

2) Reminder of Annual Mandatory Outside Watering Restrictions

In order to maintain our water supply for domestic use and fire protection, the following outside watering restrictions are effective annually from May 1st through September 30th.

- Odd-numbered houses will be restricted to Tuesdays, Thursdays, and Saturdays.
- Even-numbered houses will be restricted to Mondays, Wednesdays, and Fridays.
- All outdoor watering to be done between the hours of 4 AM – 8 AM and 5 PM – 9 PM.

- No watering on Sunday.
- Mandatory rain sensors are required to be installed for automatic irrigation systems.

3) Next Scheduled Selectmen's Meeting will be on Monday, May 2, 2022 at 7:00pm.

XI BONUS SHELLFISH (Month of May)

Ms. Ladd Fiorini moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) The commercial harvesting of softshell clams for the month of MAY. Regulations as attached. (Please see Attachment B & C)
- 2) The commercial harvesting of quahog clams for the month of MAY. Regulations as attached. (Please see Attachment A & C)

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

Water and Sewer Commissioners – Authorize Water & Sewer Commitment No. 4

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of reconvening as Selectmen afterward.

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

Ms. Ladd Fiorini moved that the Board of Water and Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling \$625,094.07 and for water service charges totaling \$1,225.00 for Water and Sewer Commitment #4 of FY22.

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

Ms. Ladd Fiorini moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen.

Recessed until 7:01pm

7:01 PM Public Hearing - Aquaculture License Transfer – Kevin Thomson

Ms. Ladd Fiorini moved that the Board of Selectmen open the advertised public hearing for review and approval of the Aquaculture License transfer regarding: Kevin Thomson

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

Mr. Richard Brennen stated that the Shellfish Committee had a meeting and reviewed the application for the transfer of license to Kevin Thomson, 540 Temple Street, by John McClusky and it was a unanimous vote in favor of Mr. Thomson.

Mr. Thomson gave some background and stated that he began working for Mr. John McClusky in 2014 and became Farm manager in 2016. Mr. Thomson has been working hard to expand the business and increase production, stating that the Spring season looks profitable. Mr. Guitart inquired about previous seed problems. Mr. Thomson stated that he had been working on different ways to keep them alive and it was a work in progress.

Ms. Ladd Fiorini move that the Board of Selectmen approve the transfer of license to Kevin Thomson, 549 Temple Street, for Aquaculture lease #NAE-2006-1163, 9732-2 for 3 years.

Ms. Ladd Fiorini moved that the Board of Selectmen close the Advertised public hearings for the Aquaculture lease transfer regarding: Kevin Thomson

XII ADJOURNMENT

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 7:10pm.

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

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) BOS Agenda*
- 2) MBTA presentation*
- 3) Memo from Chief Stephen McDonald*
- 4) Aquaculture Lease Transfer*
- 5) Arbor Day Proclamation*
- 6) Water & Sewer Commissioners Commitment #4*
- 7) One Day Liquor Licenses*
- 8) Minutes*
- 9) Announcements*
- 10) Bonus Shellfish Season*