

Date: January 13, 2020

Date Minutes Approved: January 27, 2020

BOARD OF SELECTMEN MINUTES

TOWN CLERK
2020 JAN 28 PM 3:10
DUXBURY, MASS.
OPEN SESSION

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

Absent: Shawn Dahlen, Clerk.

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

I CALL TO ORDER

The meeting was called to order in Open Session at 7:00 PM in the Duxbury Town Hall (Mural RM).

II OPEN FORUM - Nothing was brought forward.

III NEW BUSINESS

Liquor License – Change of Manager for Duxbury Yacht Club – 489 Washington Street and 70 Fairway Lane

The Chair announced the above item of business. As it did not appear anyone was present from the petitioners and the Board did not have any questions, they proceeded to a motion.

Mr. Flynn moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Manager to Lindsey Rogers, for the Duxbury Yacht Club located at 489 Washington Street, License #00042-CL-0300, and located at 70 Fairway Lane, License #00041-CL-0300, subject to the requirements of the ABCC (Alcoholic Beverages Control Commission) and the Town of Duxbury. Second by Mr. Madigan. VOTE: 2:0:0.

Prior to the vote the Chair asked if there were any comments from the public, but no one indicated they wanted to be recognized.

Presentation and Adoption of Comprehensive Plan / Josh Fiala of MAPC

Also present for this item of business and the next item of business were the following: Planning Director Valerie Massard and Planning Board members: Scott Casagrande (Chair), John P. Bear, Brian E. Glennon, II, Cynthia Ladd Fiorini, and George D. Wadsworth. Planning Board members unable to attend were: Jennifer Turcotte and David C. Uitti.

[Editorial Note: The Plan is itself is (a) lengthy (276 pages) and (b) has a lot of color graphs, maps and photographs. Therefore, it is recommended that it be viewed online. The Final Master Plan (Envision Duxbury) and Executive Summary, as well as the link to where all videos of the forums can be found are posted on the Planning Board webpage on the Town of Duxbury website at <https://www.town.duxbury.ma.us/planning-department/pages/plans-reports>. Tonight's presentation regarding the Master Plan entitled Envision Duxbury Presentation to BOS Jan 13, 2020 is also posted online for viewing and downloading.]

Mr. Casagrande, Chair of the Planning Board, mentioned that this is the culmination of a couple of years of work. This version “Envision Duxbury” is more comprehensive and wide-ranging than the prior master plans. He introduced Mr. Josh Fiala, a Principal Planner of the Metropolitan Area Planning Commission (MAPC), for a presentation of the report.

Mr. Fiala provided a presentation of the “Envision Duxbury” Town of Duxbury Master Plan December, 2019. The presentation was an overview of the document and the process. Some copies of the Executive Summary were distributed, but he mentioned both the Executive Summary and the entire Plan are on the Town website.

Mr. Fiala’s presentation touched on the following:

- The Town-wide effort made and the work of the Master Plan Ambassadors to encourage widespread participation.
- By calendar month and year the timeframe and steps involved working on the Master Plan. It was a two-year process from fall of 2017 to the finalized Plan in fall of 2019.
- That the Master Plan is a strategic framework. It is Duxbury’s plan, Duxbury’s vision, and Duxbury’s goals. It includes (a) a vision for the future; (b) goals and strategies to move towards the vision, and (c) an action plan for shaping positive change.
- Regarding Land Use they specifically looked at some of the business areas, such as Snug Harbor, the Millbrook area, Hall’s Corner, Bennett’s Corner and others.
- Other topics discussed and incorporated into the Master Plan were as follows: Duxbury Today, Vision –Duxbury in the Future, Open Space, Sustainability –Energy and Climate, Historic and Cultural Resources, Transportation and Connectivity, Housing, Public Facilities and Services, Economic Development, Land Use & Zoning, and Implementation. Mr. Fiala made brief comments about the other topics to give an idea of some of the things taken into consideration or covered by each topic.
- The overarching themes and how the Master Plan can be used to positively shape changes to land use and development, demographic trends, and climate change.

Mr. Madigan invited any comments or questions from the public.

Ms. Sheila Lynch-Benttinen, 344 West ST, said she hopes that the Board of Selectmen does not adopt the Plan tonight. She specifically mentioned a couple of concerns. Her primary concern is that the Isaac Simmons House, which is 1698 house with original pasture, is not included in the list of Cultural and Historic Resources. She spoke of its architectural and historic importance and what impact its being left out might have with respect to a potential Chapter 40B development on the property. Her secondary concern was that she believes that there are some factual errors and mentioned as examples some feedback she had provided to those drafting the plan.

In response to her comments Mr. Scott Casagrande, Chair of the Planning Board, offered an explanation regarding the Planning Board’s thought process regarding the inclusion or not of historic properties. He explained that the Planning Board felt that the Town does have a current process for listing historic districts and properties. Property owners can file to have their properties recognized as being historic or being within a Local Historic District. The Planning Board felt it was not right to include an additional list of such properties for which property owners have not chosen to have their properties designated as historic and for which the properties owners had not received any notice. Planning Director Valerie Massard added that examples of many different architectural styles were

included in the Master Plan. There are hundreds of properties that might be considered but many are unresearched, undocumented, and the owners had not be notified. So the Planning Board did not feel it was in their purview to list every property for the stated reasons. She noted it is not intended to be an exhaustive list. She said that responses were made to some of the feedback received but it was not possible to respond to all the feedback received.

Ms. Sarah Wilson, 120 Bay RD, congratulated the Planning Board and the MAPC for a very open, inclusive and responsive process. She participated in three Duxbury Master Plans (the first being in 1969), and this one was the most open, inclusive and responsive process. She commented that while she understands the Planning Board's reasoning for leaving the Isaac Simmons House off the historic list, she would like to see it included. She advocated that hardcopies be available for portability to meetings. The Town Manager said that a small batch of hardcopies will be made available.

Mr. Madigan thanked the Planning Board and the MAPC. The Master Plan was needed before tackling the zoning plan. Mr. Read complimented Planning Director Valerie Massard, who really spearheaded the overall project.

Mr. Madigan said that the Board of Selectmen and the Planning Board wanted to acknowledge the Master Plan Ambassadors' efforts and thank them for their time. Certificates of Appreciation were presented to the following Master Plan Ambassadors:

Anne Antonellis	Mike Juliano
Judi Barrett	Tony Kelso
Diane Bartlett	Pat Loring
Skip Bennett	Renée Mierzejewski
Sue Bradford	Holly Morris
Paul Brogna	Janet Ritch
Sam Butcher	Janet Schwartz
Kathy Cross	Myrna Walsh
Rob Fawcett	Sally Wilson
Fernando Guitart	

Ms. Kathy Cross, Chair of the Open Space Committee, mentioned that the Master Plan was a standing agenda item on the Open Space Committee's agendas. The Committee looks forward to being involved in the implementation phase.

Ms. Donna Marks of Temple ST mentioned that the Duxbury Rural and Historical Society has said that 761 Temple ST (Isaac Simmons Farm) is a historic property. The Master Plan has indicated Duxbury needs to protect its cultural and historic resources. Given that this property is threatened and a proposed Chap. 40B development is under consideration, she opined that the current owner, Polly Harrington's son, is unlikely to come forward to put the property in a local historic district for inclusion in the Master Plan. Many residents wrote to advocate for its inclusion. So for the reasons previously mentioned by Ms. Lynch-Benttinen, she urged the Selectmen to amend the Envision Duxbury Master Plan to include 761 Temple ST before voting to accept the Plan.

Mr. Read acknowledged that the Town had received the letters of support with numerous resident signatures. He will have an update about the 761 Temple Street property in his Town Manager's Report and suggested that all who are interested stay for his update.

Mr. Flynn moved that the Board of Selectmen approve the Town of Duxbury Master Plan “Envision Duxbury” dated December 2019, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

Mr. Madigan commented that the document can be amended if necessary.

Presentation of Snug Harbor Mini-Grant / Darci Schofield and Josh Fiala of MAPC

Town Planner Valerie Massard said that through the comprehensive planning process it was clear that residents are concerned with sea level rise. So the Town sought and received a MAPC grant through a resiliency mini-grant program. That grant was also used for the Town’s in-kind match for some modeling to be done by the Woods Hole Group (WHG), specifically for the Snug Harbor area. She then introduced Ms. Darci Scholfield, Sr. Environmental Planner at MAPC, to present the Snug Harbor Resiliency Plan.

[Editorial Note: The presentation entitled Snug Harbor - Accelerating Climate Resiliency Grant - BOS & PB Jan13 2020 is posted online for viewing and downloading.]

Ms. Scholfield presented an overview of the process, which involved a large contingent of local stakeholders from the Snug Harbor area and citizens. She gave an overview of some of the findings, which included solutions falling within the following categories: land mitigation, land accommodation, land elevation, land fortification, coastal elevation, coastal attenuation, coastal fortification, ocean attenuation, and ocean fortification. She also gave examples of the types of things that would fall within each category.

Mr. Josh Fiala of MAPC spoke about the Snug Harbor Resilient Vision. It was broken into two aspects and he provided some examples of each as shown below:

1. Policy & Program

- Leveraging the current aquaculture industry for possible implementation of an oyster reef breakwater program.
- Resilient zoning regulations: For example regulating the elevations of buildings and utilities.
- Parking managements: Since it seems like the demand is greater than the availability of space the Town might consider limited-timed parking to increase the turnover of spaces and/or for remote parking with valet service for boaters or others.

2. Infrastructure

- deployable flood gates
- Lifting the coastal edge: increasing the bulkhead or lifting the angle /height of stone revetments.
- Public and private boat ramps: Possibilities ranging from elevating the boat ramps to

There was a brief discussion about grants and what that means going forward.

Vote to close March 14, 2020 Annual and Special Town Meeting Warrants

Mr. Flynn moved that the Board of Selectmen close the 2020 Annual and Special Town Meeting Warrants. Second by Mr. Madigan. VOTE: 2:0:0.

Execution of Affordable Housing Agreement between Town of Duxbury and South Shore Habitat for Humanity RE: 0 Temple ST (Feinberg Bog Road)

Before voting on the above-referenced Agreement Mr. Madigan mentioned that the Feinberg Bog Road development has 3 low-income units and 3 moderate-income units for a total of 6 units being added to Duxbury's affordable housing. The provisions or conditions regarding the low-income units was previously agreed to under a separate Agreement. The Agreement to be executed tonight was reviewed and approved by Town Counsel it deals with the moderate-income units.

Mr. Flynn moved that the Board of Selectmen approves the Affordable Housing Agreement between the Town of Duxbury and South Shore Habitat for Humanity, as Project Sponsor, for the housing development located at Feinberg Bog Road, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

IV TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following:

1. Update on the Warrant:
He didn't have an exact number, but said there are about 40 articles on the ATM Warrant. The Finance Committee and Fiscal Advisory Committee are working on the Capital Budget.
2. East ST Property (Loring Bog):
Had a conference call with KP – DAHT has the money to move forward with the purchase. Town Counsel has been authorized to go forward with the Title process and preparation of the purchase and sale. So that is moving forward.
3. Update on 761 Temple ST "Harrington Property":
Mr. Read mentioned that he sent a letter to Douglas A. Muir, Esq., Attorney for the Seller, today. He read the entire three-page letter for the benefit of the public. In the letter he outlined many of the details of the first Notice of Intent to Sell Land and accompanying Purchase and Sale Agreements (P&S) regarding the Chapter 61A requirements and the more recent (12/16/19) Notice of Intent to Sell Land and P&S.

The letter mentions "The recent submission, dated December 16, 2019, fails to comply with Chapter 61A in significant respects, does not give rise to a valid and enforceable right of first refusal that the Town may exercise, and does not trigger the 120-day period within which the Town may exercise its rights to acquire the Property...". The letter pointed out:

- 1) that in effect the Town was rejecting the second offer of the Chap. 61A land because the Notice and P&S were non-compliant with the requirements of Chap. 61A.
- 2) that over 3 acres of agricultural land was removed from the recent offer and it failed to include wetlands and other land contiguous to Duxbury conservation land,

- 3) that the recent offer inflated the price on the Chap. 61A land while only requiring a nominal value of the non-Chap. 61A land. Mr. Read wrote "The Town's position is that the owner has acted in bad faith, with the intent to deceive the town and deprive it of its rights under Chapter 61A."
- 4) that the Town will be examining the actions of the owner, and others, surrounding this transaction and would ask for help from these state agencies: Department of Conservation and Recreation (DCR), The Massachusetts Department of Agriculture Resources (DAR) and the Massachusetts Department of Revenue (DOR).
- 5) That "Any notice submitted relative to this Property will receive heightened scrutiny." The owner was cautioned that proceeding with a sale of any of the subject property to a third party would violate Chap. 61A, and "...the Town would pursue and any all remedies available to enjoin or invalidate the sale and enforce its right to purchase the Chapter Lands."

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION -none

VI ONE-DAY LIQUOR LICENSE REQUESTS -none

VII EVENT PERMITS -none

VIII MINUTES -none

IX ANNOUNCEMENTS

Mr. Flynn made the following announcements:

1) Open Seat on Duxbury Affordable Housing Trust:

The Duxbury Affordable Housing Trust has an open seat for a term due to expire on June 30, 2020. Any interested parties are encouraged to fill out a Talent Bank form. You may contact the Selectmen's Office to have the form sent to you or you can find it t the top of the Boards and Committee webpage on the Town website.

2) Waiting Lists for Commercial Mussel & Razor Clam Licenses:

Just a reminder that 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.

3) Martin Luther King Jr. Holiday:

The Town Hall will be closed on Monday, January 20th - Martin Luther King Jr. Day.

4) Next Scheduled Selectmen's Meeting will be on Monday, January 27, 2020.

XI ADJOURNMENT

At 8:30 pm, Mr. Flynn moved the Board of Selectmen adjourn. Second by Mr. Madigan. VOTE:
2:0:0. Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 01-13-20 SELECTMEN'S MEETING:

1. *Agenda for 01-13-20 Selectmen's Meeting*
2. *OPEN FORUM: none*
3. *NEW BUSINESS:*
 - a) *Liquor License Change of Manager DYC-packet*
 - b) *Presentation of Comprehensive Plan: Copy of MAPC presentation and the Town of Duxbury Master Plan Executive Summary "Envision Duxbury" December 2019. Full presentation posted on Town website under Planning Board.*
 - c) *Snug Harbor Resiliency Plan: Copy of Snug Harbor Resiliency Plan Presentation. Full presentation posted on Town website under Planning BD.*
 - d) *Close 2020 ATM / STM Warrant –Coversheet with suggested motion.*
 - e) *Affordable Housing –Feinberg Bog RD – Agreement between Duxbury and S.S. Habitat for Humanity*
4. *TOWN MANAGER REPORT: Copy of 01-13-20 Letter to Douglas A. Muir, Esq. regarding 761 Temple ST –Notice of Intent to Sell.*
5. *COMMITTEE APPOINTMENTS/REAPPOINTMENTS – none*
6. *ONE-DAY LIQUOR LICENSES: none*
7. *EVENT PERMITS: none*
8. *MINUTES: EXECUTIVE SESSION: none; OPEN SESSION MINUTES: none*
9. *SUGGESTED ANNOUNCEMENTS for 01-13-20*

