

Date: January 30, 2017

Date Minutes Approved: March 6, 2017

TOWN CLERK

2018 NOV -1 AM 10:10

BOARD OF SELECTMEN MINUTES

DUXBURY, MASS.

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

Absent: -----

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

I. CONVENED IN OPEN SESSION

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

II. OPEN FORUM – *nothing was brought forward.*

III. NEW BUSINESS

7:00 p.m. Liquor Compliance Violation: Jamie's Fine Wine & Spirits

Mr. Flynn moved to open the (liquor compliance violation) hearing and recess (continue) it to Monday, February 6, 2017 at 7:00 pm. Second by Mr. Madigan. VOTE: 2:0:0. *Mr. Dahlen recused himself.*

7:01 p.m. PUBLIC HEARING - Regarding proposed 2017 Fee changes for the following: 2017 Beach Sticker, Dog Walking license, Transfer Station Fee increases and the Cemetery-Related fees.

[Editorial Note: Notice of the fee schedule hearing was published in the Duxbury Clipper on January 11th and 18th, 2017.]

Mr. Dahlen moved that the Board of Selectmen open the public hearing regarding the proposed 2017 Beach Sticker, Dog Walking license, Transfer Station Fee increases and the Cemetery-Related fees. Second by Mr. Flynn. VOTE: 3:0:0.

Beach Sticker Fees

Finance Director John Madden read from a memorandum and mentioned the following:

- This is the first time since 2015 that there is a proposed increase to the Beach Sticker rates.
- In 2015 the Duxbury Beach Lease was \$600,000., but the Duxbury Beach Reservation (DBR) has increased the cost to \$700,000. for FY'18.
- Proposed increases are being made so we don't lose revenue for services. It is anticipated the increased Beach Sticker fees will result in \$126,000. additional revenue
- Fees are used to pay for additional (endangered species) monitors and beach maintenance.

Beach Sticker Category	Last year	Prior to May 1, 2017	Proposed After May 1, 2017
Non-Resident Oversand	\$295.00 / \$325.00	\$315.	\$340.
Resident Oversand	\$160. / \$180.	\$180.	\$200.
Parking Lot	\$90	\$100.	\$100.

Beach Sticker Category	Last year	Prior to May 1, 2017	Proposed After May 1, 2017
Senior Rate – Parking Lot	\$50.	\$ 50. <i>(no change)</i>	\$ 50. <i>(no change)</i>
Senior Rate - Oversand	\$90.	\$100.	\$100.

Mr. Dahlen commented that Duxbury Beach has become a significant piping plover habitat; used to have about 8 nests but is now up to 22-24 nests per year. This has required the hiring of about 60 monitors and because of the monitoring of the endangered species, both people and vehicles are allowed on Duxbury Beach.

Mr. Flynn moved that the Board of Selectmen support the proposed 2017 fee increases for Beach Sticker Fees effective February 1, 2017, as presented. Second by Mr. Dahlen.

VOTE: 3:0:0.

Dog Walking Licensing Fees (beach only)

Ms. Susan Kelley, Town Clerk, said that the Town Clerk's office handles the issuing of dog walking tags on behalf of the Harbormaster's Department. The dog walking tags are required between April 1st – Sept 1st for two reasons:

1. It assures the dog is up to date on its rabies shots; as a tag is only issued to dogs with dog licenses, which require a current rabies certificate; and
2. It also assures the pet owner has been given the Beach Rules and Regulations and acknowledges that they will follow them.

She also mentioned that in 2014 we issued about 700 dog walking tags and last year we issued almost 2,000. The dog walking license fee is a new fee being proposed to cover the costs of the tag themselves and the cost of the mutt mitt disposal bags.

It was explained that tags were introduced about five years ago. Harbormaster Emerson added that the dog walking tags came about when there was a controversy about whether or not to allow dogs on the beach. At that time the dog walking license was introduced with the understanding that dogs must be on a leash on the beach and the dog owner must receive a physical copy of the Beach Rules and Regulations.

Ms. Kelley mentioned that last year the Town adopted the Mass. General Law under which seniors aged 70 or older do not pay for dog licenses. She is recommending that the proposed dog walking license fee also be waived for the seniors aged 70 or older to correspond with that.

Mr. Dahlen moved that the Board of Selectmen support the proposed 2017 Dog Walking license fees (for the beach) effective February 1, 2017, as presented, except seniors over 70 years old may receive their dog walking license for free. Second by Mr. Flynn. VOTE: 3:0:0.

Transfer Station Fees

Reading from a memo from Mr. Peter Buttkus, DPW Director, the Transfer Station fee changes were explained as follows:

The price of a Duxbury resident Transfer Station sticker has been \$25. for the past decade. During the past year there have been significant changes in the cost of operation. The cost of Construction and Demolition (C&D) has increased and fluxuated. In the past the Town did not have to pay to dispose of electronic waste, but now it does. The price of steel is currently at \$100/ton but it was as low as \$20./ton. In addition to disposal charges the Town now has to pay for hauling charges. For example, the Town now pays \$25. plus a weight charge to dispose of each mattress and box-spring, but is only charging residents \$15. for those items. Given that Mr. Buttkus is proposing 4 increases as shown below, but noted that after review by the Fiscal Advisory Committee he amended his proposal to keep the Residential Permit Fee for Senior Citizens unchanged at \$25.00:

Transfer Station Fees			
Category	Current Fee	Proposed Fee (effective 04-01-17)	Exceptions
Residential Permit Fee	\$25.00	\$35.00*	*\$25.00 Senior Citizen rate (no change)
Commercial –Residential Pickup/Van Permit Fee	\$25.00	\$35.00	
Mattress disposal fee	\$15.00	\$30.00	
Box-springs disposal fee	\$15.00	\$30.00	

Mr. Kevin Kingston, Duxbury resident, asked if the increases were per vehicle or is there a reduced amount for a Transfer Station sticker for a second vehicle? Mr. Madden said that as proposed the charge is per vehicle; there is no reduced price for a second vehicle. Mr. Kingston mentioned that often a second sticker is purchased for convenience; not necessarily that more trash is going to be delivered from a household. So he suggested that if the fees are to be raised, then consideration should be given to a reduced charge for a Transfer Station sticker for a second vehicle. Mr. Madden said that he would pass that suggestion along for future consideration.

Mr. John Tuffy, Duxbury resident, mentioned that the Board has defined “senior” for the purpose of reduced fee as “over 70 years old”. He questioned if it was the Board’s intention to change the definition of “senior” from what it currently is? It was pointed out that currently for Beach Stickers and water service the age for a “senior” is 62 years old.

His comment prompted a brief discussion of the meaning of “senior” with respect to age. Mr. Madden did not have an answer regarding that. He said he would need to look at how many fees are affected by senior age, and he would get back to the Board with the information. He said that there may be some that are set by statute, but suggested that some of these were likely formulated over time and have been traditionally followed. Mr. Madden did agree having it be more consistent would be desirable.

In light of the timing of the sticker sales, Mr. Flynn suggested that for the purpose of what is before the Board tonight that the definition of senior with respect to age should remain whatever they have been for the coming year, but that the definition of “senior” be something that is clarified in the future and be consistent. The other members agreed.

Mr. Dahlen amended the motion he had made before the discussion to the following:

Mr. Dahlen moved that the Board of Selectmen support the proposed Transfer Station fees effective April 1, 2017, as presented, except for seniors over 70 years of age the fee stays the same. Second by Mr. Flynn. VOTE: 3:0:0.

Cemetery-Related Fees

Present to discuss this item of business were Mr. Bob Hayes, Chair of the Board of Cemetery Trustees and Ms. Tricia Pappas, Cemetery Superintendent.

Mr. Hayes explained that the Board of Cemetery Trustees proposed:

- 1) A fee reduction for new Crematory Lots and
- 2) A re-allocation of the fees into the three cemetery trust funds.

With respect to the Crematory Lots, Mr. Hayes explained that in the past there was a section of Crematory Lots, which were smaller than standard graves, but they have all been sold. The Trustees have new Cremation Lots, which will be of a reduced size (3'x3') and in-ground, and they are proposing the following fees:

CREMATORY LOTS	
Type of Space	Cost
Resident per 2-space lot	\$300.00
Non-Resident	\$500.00

He noted that the former Crematory Lots were sold at \$500. for residents and \$700 for non-residents, but in keeping with the slightly smaller size the fee has been reduced for the new Crematory Lots.

With respect to the re-allocation of fees, Mr. Hayes explained that there are three cemetery trust funds:

- 1) Perpetual Care Trust
- 2) Mayflower Care & Improvement Fund
- 3) Burial Rights

He added that the first two were set up as non-expendable trusts; so only the interest income can be expended. The third is an expendable trust; so all the monies can be expended subject to Town Meeting approval.

The Trustees are proposing that more of the fees be allocated to the Burial Rights Fund so that more monies are accessible to be expended for some of the major projects the Cemetery Trustees would like to undertake. It was clear from his comments that the Trustees understand that less money will be going into the other two trusts.

Mr. Dahlen asked how much the monies contribute to the operating expenses. Mr. Madden said that when interest rates were higher some of the monies were used to supplement the operating expenses, but that is no longer the case. He said that in effect these funds are used for capital-type projects. He did advocate his support for shifting the allocations to provide greater access to the funds.

Mr. Hayes also mentioned that the Cemetery Trustees are questioned as to why the money in the trusts are not being used for given projects. He explained that between two of the trusts being unexpendable and the language of the trusts, which specifies what they can be used for, that often the Trustees can't use the trust monies.

Mr. Dahlen moved that the Board of Selectmen support the proposed Cemetery-Related fees effective February 1, 2017, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Flynn asked if the Cemetery Trustees had considered reconstituting the trusts to allow for greater access to the funds. Mr. Hayes answered by saying that the Perpetual Care Fund could not be changed. He thought that perhaps the Mayflower Care and Improvement Fund could be re-written as that was established by the Board of Cemetery Trustees, but added it might require approval by the Attorney General. He suggested that the reallocation of the fees would be a quicker and easier way to accomplish great access to the monies.

Mr. Dahlen moved that the Board of Selectmen close the public hearing regarding the proposed 2017 Beach Sticker, Dog Walking license, Transfer Station Fee increases and the Cemetery-Related fees. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion Pertaining to the Review and Adoption of Revised Aquaculture Rules and Regulations

Mr. Dahlen said that he requested this be postponed for two weeks to allow for further review of the proposed aquaculture rules and regulations.

Mr. Dahlen moved to continue the discussion and/or vote on adoption of the Revised Aquaculture Rules and Regulations until 7:01 pm at the Selectmen's Meeting on Monday, February 13, 2017. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion Pertaining to and Execution of Intermunicipal Agreement between Duxbury and Rochester Regarding an Emergency Dispatch System

Town Manager Read mentioned that before that discussion Fire Chief Kevin Nord has a brief PowerPoint presentation giving some of the background of the Regional Old Colony Communications Center (ROCCC), which was formerly known as the Duxbury Regional Emergency Communications Center (DRECC).

Fire Chief Kevin Nord said that he was here tonight to ask the Selectmen to sign an Intermunicipal Agreement (IMA) for the Town of Rochester to join the ROCCC. Since there have been a lot of questions recently about the expansion of the facility and other towns joining so he wanted to provide some background information.

He mentioned the following:

- Currently the ROCCC has 3 shifts with 3 dispatchers on the day shift; 3 dispatchers on the afternoon shift; and 2 dispatchers on the midnight to 8 AM. The afternoon and night shifts have supervision with a Lead Dispatcher.

- The dispatchers not only dispatch for medical emergencies for Duxbury, Plympton, and Halifax but also handle burglary calls and fire emergencies. The Halifax and Plympton lobby areas are secure with two-way screens so if the stations are unmanned the public can still reach a dispatcher. Those communications are also handled by the ROCCC staff. They also dispatch for the Harbormaster and DPW in the Towns as well.
- The next screen show a map of the Public Safety Answering Points (PSAP) Consolidation or the location of the various regional communications centers in Massachusetts. He said Towns are getting away from individual dispatching centers to form regional centers to share resources for greater efficiencies.
- He said the move to regionalization was supported under Governor Deval Patrick's administration
- In 2012 former Town Manager Richard MacDonald requested Chief Clancy and Chief Nord participate in a feasibility study on regional dispatch. It involved a number of Towns in the area and produced a blue print for regional dispatching centers.
- About the same time there was a shift from just emergency dispatch to medical dispatch, i.e., where dispatchers are giving medical advice over the phone. Seeing that shift coming Chief Clancy and Chief Nord made the decision to move the dispatch center from the Police Station to the Fire Station.
- As the renovations to the Central Fire Station were planned there was space on the second floor, which was vacant but could be a location for a dispatch center. The feasibility study identified Towns as potential "hosting sites" and independent sites. Both Duxbury and Plympton were interested and since Duxbury had the space the result was the formation of the Duxbury Regional Emergency Communications Center (DRECC).
- Halifax subsequently indicated its interest in joining and an IMA was signed with them last spring. In January, 2017 Halifax has gone live from the ROCCC.
- In January, 2017 the name was changed from the Duxbury Regional Emergency Communications Center (DRECC) to the Regional Old Colony Communications Center (ROCCC) to better reflect the make-up.
- In the last six months they have been in discussion with Rochester. Rochester signed the IMA last week. With Rochester's addition, the ROCCC is at physical capacity.
- The Town of Plymouth would like to join the ROCCC. In addition, the Towns of Kingston, Hanson, and Wareham have also visited and expressed interest as well.
- Given the interest, the Mass. State 911 Department has agreed to support a construction project that would allow for increased space. They will not fund new constructions but will pay for renovation or expansion of an existing site.
- Development grants and infrastructure improvements have provided about a \$1.5 million to a state-of-the art facility.
- The Fire Chief, Town Manager, and Director of Municipal Services have reviewed potential alternative sites with the State 911. They did consider the COA site, but realized it would not work given site constraints with septic, parking and lot line restrictions.
- The funding would be through a State 911 development grant. The estimated costs are to be determined. Three RFQs have been returned and will be reviewed shortly.
- State Development Grant Funding just got increased from \$8 million to \$12 million and at this time there are no other competitors for the funding. So Duxbury is in a good position to get the funding. However, should the funding be split over fiscal years an ATM article is proposed, which would allow for short-term borrowing, if necessary.

- The deadline for the grant is April 2017 with a decision to be expected in July 2017 and a projected construction start as of August 2017.
- The renovation has to stay on the footprint of the current Fire Headquarters due to site coverage requirements. The Chief said that they would be able to get the additional space needed and it would be ADA compliant.
- The current space would allow for the addition of the Town of Rochester. The State 911 is interested in a center that could handle another 100,000 in call volume so the expansion would allow for other Towns that have indicated interest to join.

Mr. Dahlen commented that his understanding was that the renovation would be a no cost to the taxpayers. Chief Nord confirmed that. He said the funding for the regional dispatch center comes through a different fund under the State 911 fund, which collects revenue from a \$1 charge on every cellphone bill.

Chief Nord said that in order to take on the Town of Rochester it does require an addition of 30' to the cell tower, which will require a variance. He also went over the proposed budget for this. Rochester needs upgraded equipment, but this would be covered by a State 911 development grant. They would also have to make the lobby of the Rochester station a safe room with two-way screen connections to the ROCCC. Three additional employees would be funded through Rochester, but would be Duxbury employees when they retire. Mr. Madden explained that an individual who has worked in different communities retires, then Plymouth County Retirement bills the different towns for their portion of the retirement costs for the employee's terms of service in the respective communities.

Chief Nord said the IMA with Rochester is a five-year Agreement. When developing the budget he does use the maximums, e.g., assumes all the staff will take a family-plan for insurance, but in reality some take individual insurance plans and some get coverage through a spouse's coverage. This assures there will not be a shortfall. Chief Nord also mentioned the possibility that this becomes a "district communication center" and explained how that would work.

Mr. Dahlen moved that the Board of Selectmen accept and execute the Intermunicipal Agreement between the Town of Duxbury and the Town of Rochester, regarding the emergency dispatch system, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion Pertaining to FEMA flood maps

Mr. Madigan announced that the Towns of Duxbury, Marshfield and Scituate are hosting a **Public Meeting to providing additional information on Flood Insurance Policies** issued under the provisions of the National Flood Insurance Program (NFIP) on **February 7, 2017 at 6:00 PM at Furnace Brook Middle School, 500 Furnace Street, Marshfield, MA 02050**. FEMA Staff will be in attendance to discuss flood insurance and to answer questions submitted.

Mr. Dahlen said he requested this topic be added after some conversations he has had with Mr. Mark Casey, who has done a lot of work with respect to LOMAs (Letter of Map Amendments) and is knowledgeable about the FEMA maps rewrites and their implications. In their discussions he has learn that those properties that do not have a base flood elevation (BFE) are being dramatically affected and he wanted the Board to hear from Mr. Casey regarding this. Beyond that, it was Mr. Dahlen hope that the Board would accept Mr. Casey's help as a technical volunteer acting on behalf of the Town with regard to the FEMA issues.

Mr. Mark Casey of 25 Lincoln ST introduced himself as a 30-year resident of Duxbury, who has had a land surveying and civil engineering for about as long. He mentioned that with every new release of FIRM maps there is a significant increase in the amount of properties that are designated as Flood Zone A, i.e. without Base Flood Elevations (BFEs). Many of these properties are inland areas that are designated as Flood Zone A (without Base Flood Elevations) and provided the following example as to why that is a concern.

He mentioned a FEMA meeting that was held some time ago at the Tarkiln Building where he questioned FEMA officials as to when proper studies would be done so many properties would not be designated as being within a flood zone instead of FEMA's current "approximate" methods to designate the areas. What happens is that FEMA changes the maps and without any warning property owners are getting a letter from their lenders telling the homeowner that they have six weeks to get flood insurance or the lender will get it for them and add it to the mortgage payment. Those properties without a BFE pay the highest premiums. FEMA says they don't have the funding to do the studies.

He handed out to the Selectmen an example of a home on Fox Run. The example shows that there are bogs not too far away, so FEMA sees a water body and changes the maps to include that property in a flood zone. What FEMA neglects to do is to read the geographical contours, which show that the bogs are upland and the water has to be pumped up to the bogs. In this case, the basement of the house was 18' higher than the cranberry bog so clearly should not have been considered in a flood zone. However, to change that, the homeowner had to hire a surveyor at a cost of about \$2200 -\$2400 to survey the property and to file a Letter of Map Amendment (LOMA). The flood insurance premiums would have been \$4500. per year. Mr. Casey suggested that there is not a great urgency for the FEMA administration to fix the situation because the properties without the BFE are paying higher flood insurance premiums. Mr. Casey said that he just feels that what FEMA is doing is wrong and would be happy to volunteer to help the Town in any way possible with respect to this matter.

Planning Director Valerie Massard, who is also the Town's FEMA coordinator, mentioned that FEMA is currently out in the field reviewing the Duxbury inland areas. She expects that within a matter of months FEMA will expect to meet with Town Officials with respect to new preliminary maps and usually without a lot of time for Town Officials to properly respond to proposed changes before new maps are issued. She agreed with Mr. Casey's comments about the properties being classified as Flood Zone A (without Base Flood Elevations) and the fact that they are assessed the highest flood insurance premiums. Ms. Massard agreed that it would be helpful to put some pressure on FEMA for better evidence before the maps are redrawn.

Mr. Dahlen mentioned that this is sort of what happened with the coastal areas where the Town did not have sufficient time to respond to all the areas. FEMA has changed its modeling to capture as many properties and flood insurance premiums to fund its work. In Duxbury much of the coastal area is higher, but in Marshfield 1500-1600 additional residences were put in flood zones by the redrawing of the maps. Because of the short timeframe to appeal Duxbury was only able to get its consultant to file an appeal based on one transect. Given the positive response to the modeling used to appeal that one transect, the Town is now having the consultant appeal the other transects.

The consensus of the Board was that they would be happy to have Mr. Casey working on a volunteer basis to assist with the dialogue with FEMA. Mr. Read said that he will keep Mr. Casey informed of

any FEMA meetings the Town receives word of and in the interim all Mr. Casey needs to do is file a disclosure form at the Town Clerk's office.

Vote to Re-Open March 2017 Annual Town Meeting Warrant for the Purpose of Adding Two (2) Articles:

Mr. Dahlen moved that the Selectmen open the 2017 ATM Warrant to add one article and to remove another one. Second by Mr. Flynn. VOTE: 3:0:0.

[Editorial note: After the above vote Mr. Read mentioned that he would be asking the Board to also consider removing the marijuana moratorium article.]

1) Increase of Clause 41A Income Requirements: Proposed by Board of Assessor's:11-20-16 Memorandum from Stephen Dunn, Director of Assessing.

Mr. Madden referring to Mr. Dunn's Memorandum explained that the average tax assessment has increased over 25% over the past five years. The goal of the Assessors is to enable seniors to stay in their homes as long as possible. The proposed clause does not exempt seniors from their taxed but it enables them to stay in their homes and defers the payment of taxes to the time of the sale of the property or the death of the owner. This will increase the income threshold to allow more seniors to be eligible for this program.

Mr. Dahlen moved that the Selectmen add to the 2017 ATM the article regarding the increase of Clause 41A Income requirements as proposed by Steven Dunn, Director of Assessing. Second by Mr. Flynn. VOTE: 3:0:0.

2) Proposed Amendment to General Bylaws – Revolving Funds:

Mr. Read said that he is just asking that the Selectmen vote to add the article; not necessarily to take a position on it. Mr. Madden explained that annually there is an article for re-authorizing the revolving funds, but through the Municipal Moderation Act it is now required that these revolving funds be added to the General Bylaw and then annually the spending limits will need to be voted. New revolving funds will be added to the General Bylaw when they are created.

Mr. Dahlen moved that the Board of Selectmen add to the 2017 ATM Warrant an article regarding revolving funds sponsored by the Finance Department. Second by Mr. Flynn. VOTE: 3:0:0.

Removal of the Marijuana Moratorium article

Mr. Read asked that the Board remove the marijuana moratorium article because the feeling is that given the recent State marijuana moratorium this article might be duplicative. Beyond that Mr. Read suggested that Mr. Brian Glennon had discussed this matter with Town Counsel and could perhaps explain more about the rationale.

Mr. Brian Glennon, Chair of the Planning Board, explained that subsequent to the Town taking this matter up, the State Legislature passed a marijuana moratorium to 2018. So the question was then, whether the Town needed to enact a moratorium as well or whether that would be duplicative to what the State has already done. In addition, a community may only enact a moratorium once, so there was a

concern about taking this action prematurely. Instead Mr. Glennon suggested that waiting might make more sense, since the applicable regulations have not even been drafted yet, and then if needed down the road the Town would still have the opportunity to enact a marijuana moratorium when the State's moratorium expires to allow the Town greater time to work with the regulations after they have been established. Town Counsel reviewed these questions and agreed that the Town's action at this time would be duplicative and that waiting might be a wiser course of action. If needed then a Town marijuana moratorium could be enacted at a later date to extend the time the Town has to enact whatever regulations are established.

Mr. Flynn said the concern he had is that if the State suddenly lifts their moratorium before its scheduled end date of June 30, 2018 and it takes a Town Meeting vote for the Town to enact a Town marijuana moratorium, then the Town might be caught between Town Meetings.

Mr. Glennon responded by suggesting that while technically that could happen he feels that it would be highly unlikely. The State Legislature voted the marijuana moratorium, even though it was approved by the State-wide ballot, but realized that the State was not prepared for the implementation. He added that Town Counsel believes that significant notice would be given so that a Special Town Meeting could be convened if necessary. Once the regulations have been established, then the Town will have to look at what those regulations mean within the Town of Duxbury, and then if necessary a Town moratorium could be brought up if it is felt additional time is needed to understand those regulations as they impact the Town.

Mr. Dahlen asked since the sale of recreational marijuana is not an allowed use within the Town's bylaw could that be used to prevent it should the State's moratorium end prematurely. Mr. Lambiase said it could be tried but wasn't sure that it would hold up if challenged. He added there are allowed uses within the Town bylaw for the sale of drugs and someone coming in could propose it as the sale of medicinal marijuana.

Planning Director Valerie Massard stressed that a moratorium can only be enacted once and advocated that it would be in the Town's best interest to hold off on doing so.

Mr. Dahlen moved that the Board of Selectmen withdraw from the 2017 ATM Warrant the article regarding the marijuana moratorium. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Read updated the Board on one other article. With respect to article 34, the funding of historical markers or flags, in the draft Warrant it indicated that article was proposed by the Duxbury 2020. There was a mix up with the paperwork and that article has now been filed as a Citizens' Petition, so that change will be seen in the final ATM Warrant.

Mr. Dahlen moved that the Board of Selectmen close the 2017 ATM Warrant. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion pertaining to March 2017 Annual Town Meeting Warrant – Article Review and Board recommendations - presentations may be made by article proponents of at least the following:

Editorial Note: To accommodate some of the proponents and staff, who came to present the articles, they were taken in an order different from what was indicated on the agenda.

Art. #13 Citizen's Petition – Amend Zoning By-Laws – Proposed Battelle Waterfront Village Overlay District

The following individuals were present to speak as the proponents of the article:

Merrill H. Diamond, Founding Partner of Diamond Sinacori, LLC, the developer who has the Purchase and Sale on the property and Robert W. Galvin, Esq., the legal representative of Diamond Sinacori, LLC regarding the Battelle property.

Mr. Merrill Diamond, Founding Partner of Diamond Sinacori, LLC, introduced himself. He said that tonight's discussion is not intended to be a full overview, but he would give a brief update. In terms of the plans that were previously present to the Board of Selectmen nothing has dramatically changed. He mentioned:

- It is still planned as a residential development.
- All the existing buildings on the site will be renovated and/or restored to maintain their historic architecture.
- There will be 4 new single-family homes that will be architecturally and historically compatible with the existing buildings.
- Regarding the new building on the waterfront, it will follow the existing footprint of the lab buildings, but they are currently looking at the design of the buildings from both the land-side and the water-side. He commented that having taken a cruise on the bay he understands the concerns about the water-view. At the Planning Board meeting on February 8th they will be showing the design of the building. He added that the new building is being designed to architecturally and historically compatible with the existing buildings.
- They are planning to install a nitrogen-mitigation system.
- That throughout the process he has been listening to the concerns of the community and trying to be responsive to those concerns.

With that he turned the discussion over to their legal representative, Atty. Bob Galvin. Atty. Galvin said that there are three (3) components to the zoning article:

1. The first is to add a new title to the classes of districts. It amends the Zoning Bylaw to amend Article 200, Section 201 to add the Battelle Waterfront Village Overlay District (BWVOD).
2. The second is to amend the map to include the proponent's maps.
3. The third is to establish the district.

The article has a purposes clause the full text of which is in the Warrant. As an overview he mentioned their purposes are "to balance the scenic, historic, and development goals and protect and enhance the character of the former Battelle Memorial Institute property" and to propose a reasonable residential use for the property. They are also trying to preserve the historical properties and to protect open space. He mentioned that there will actually be more open space than what exists there now given the elimination of some of the parking areas. The plan also tries to protect the environment and the bay.

As an overlay district it is superimposed over the residential compatibility district. This district has a "sunset" clause of two years, which means if no development plan comes forward during that time-frame the Battelle Waterfront Village Overlay District automatically expires. Or it still could be developed under the existing residential compatibility district.

The way this development would proceed is that the developer would have to apply for a Master Site Plan Approval and a Special Permit from the Planning Board. The Master Site Plan Approval is a bit more expedited and is about a 90-day process, but as part of it a significant amount of information about the site, a narrative about the planned development, information about the architecture, the stormwater drainage system, and the infrastructures (such as roadways and parking) have to be provided.

The Special Permit would have to go through the Planning Board with all their regular requirements. He added that a Master Site Plan Approval requires a majority vote and a Special Permit requires a super majority vote.

The bylaw requires that 10% of the units be affordable. Just as any other developer can do, he said Diamond/ Sinacori could do that or opt-out and instead they could purchase property and make it available to the town or make a lump-sum payment in lieu of the affordable units.

Atty. Galvin mentioned that he submitted to the Selectmen today a lengthy letter addressing a number of issues. He said that they were asked to provide some information about financial impacts and that information is included in the letter on or about page 9. He said that they took a conservative approach to come up with the figures and summarized the financial impact figures as follows, noting the figures have not yet been discussed with the Town's Finance Director:

Est. Building Permit Fees	\$62,296.
Est. Water Connection Fees	\$17,500.
Est. Systems Development Fees	\$35,000.
Annual Real Estate Tax Revenue	\$565,000.
Est. Const. Cost of Affordable Housing Units	\$800,000
OR	
Est. lump-sum payment in lieu of affordable units	\$1,392,000.

Town Manager Read asked Mr. Diamond that "Should this article not pass, what do you have in mind?" Mr. Diamond said that this is the only concept he has been considering. Battelle has been supportive and should it be voted down then Battelle has indicated they would be interested to continuing to work with him. He acknowledged that he knows that some people have expressed concerns about a 40B, but he has not explored that or taken steps in that direction.

The following is a summary of some of the audience questions and the responses given:

- Mr. Sherm Hoyt: Asked about the nitrogen mitigation and whether it would remove all the nitrogen from the outflow ANS. Atty. Galvin said the bylaw does require that they do some mitigation when there is removal of subsurface sewerage using some DEP-approved methodology for the removal of nitrogen. The system would not remove all the nitrogen.
- Ms. Lorrie Hall: Asked about the septic treatment placement and the impact on the trees that would have to be removed. ANS. Mr. Galvin said that it is towards the front of the property to the left of 405 Washington ST in a suitably-tested area. Mr. Diamond showed her the placement. She followed up questioning him about the trees that will have to be removed. ANS. Mr. Diamond indicated where current trees would be left as a buffer and added that substantial planting of trees is planned.

- Mr. Frank Holden: Asked if the language in the Warrant will explicitly include the plotlines?
ANS.: Yes, the maps in the Warrant have a plan that identifies the parcel numbers. Mr. Holden's follow-up question was: Could this overlay district apply to any other parcel?
ANS. Atty. Galvin said no as it is specific to the parcels shown in the article.

Selectmen Shawn Dahlen commented that a group of townspeople (naming himself, Judi Barrett, Rene Read, Joe Grady and Holly Morris) met early on with Battelle when the Town learned the Battelle was planning to sell the property. They spoke to several interested groups before there were any contractual arrangements. What they conveyed as a group was what the townspeople would like most is that the streetscape be preserved, including the historic houses. They felt that the lab building was not architecturally significant and expected it would be demolished. Subsequently, Battelle and Diamond/Sinacori came to an arrangement. He has talked to many people over time about this property. As a Selectman he said he believes that this is probably the best option for the town for several reasons. He mentioned the following reasons:

1. Probably foremost is the housing diversity it provides. He said numerous people have expressed to him their desire to downsize and not have the maintenance of a larger home, but expressed concerns regarding the lack of suitable alternatives.
2. The Town's original Comprehensive Plan included PUD and Cluster Sub-Divisions. It recognized that Duxbury wants to be a residential community and that being the case, it recognized the need for allowing those types of developments and the understanding that higher density would have to be part of them; which is why they allow for a density bonus. For example, Bay Farm allows 2-3 more units than would traditionally be allowed.
3. Tax revenues – He mentioned in this fiscal year \$1.2 -1.4 million came from prop. 2 ½ increases and \$800,000 came from new growth. If there was no new growth, then every budget would have to be cut by a third of the increase. The new growth has enabled the Town to maintain services.
4. Preserving Historic Homes – Standard subdivisions could be done on this property with 5-6 single-family houses and even with the demolition delay it is likely the houses would have been taken down.
5. Additional tax revenues –What he hears is that residents want the additional tax revenues that this project could bring and that many residents are interested to buy into the property when it is developed.
6. And finally he suggested that the project you know and you are voting on is far better than the project you don't.

Mr. Madigan commented that there was a review of a number of other proposals, including the educational campus, but none of those panned out.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 13 Citizen's Petition – Amend Zoning By-Laws – Proposed Battelle Waterfront Village Overlay District, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Hoyt suggested, that while having complimentary things to say about Diamond/Sinacori prior projects, the sense he is getting is that the community would like to have more time to discuss this project. Therefore, he was going to recommend the Selectmen hold off on a vote. It was pointed out to him that there will be additional, upcoming public meetings broadcast on PACTV for the public to learn more and to give input.

Planning Director Valerie Massard said that there is a Public Meeting before the Planning Board scheduled for February 8, 2017 at the Duxbury Schools at 7 PM. She also asked of the developer if they would be willing to provide funding to the Planning Office for a peer review of the financials. Atty. Galvin responded by explaining how some of the financials were derived and didn't feel that a peer review would be necessary. The tax revenues he has no problem providing the assumptions used as to how they arrived at the figures and if necessary having that peer reviewed. Ms. Massard said that they requested the financials when the application was submitted and the letter received only outlines the financial benefits but does not address any financial impacts and those should be reviewed as well.

Mr. Diamond said he appreciated the complimentary things that were said about their developments. He pointed out that his proposal will maintain the streetscape and that might not necessarily be the case with some of the other proposals. The proposal is geared to empty nesters and will have less traffic impacts than some other suggested uses.

Mr. Brian Cook, Duxbury resident, commented that some what he is hearing is some confusion of whether this is "an all or nothing proposal." Some of the residents aren't sure if they go to Town Meeting and vote yes if they like what they have heard or vote no if they are unsure or would like to have more input into the final details. Mr. Dahlen mentioned that this is a Special Permit Project, which means that there will be public meetings for the public to hear and comment on the specific details. So the Town Meeting is a step in the process, but there will be other opportunities for the public to comment on the proposal.

Mr. Cook said if this article is defeated, if the Planning Board doesn't recommend it, then it can't come back for two years. He asked if the Planning Board has recommended it? ANS. The Planning Board will be hearing the proposal at their meeting at 7 pm on February 8 (at the DHS/DMS –Performance Hall). So the Planning Board has not taken a position yet.

Mr. Diamond reiterated what he had said at his first meeting with the Selectmen that he is open to meeting and talking with any individual or group that would like to hear about or provide input on the project.

Art. # 14 Amend Zoning By-Laws – One Dwelling per Lot:

Mr. Dahlen gave a brief overview of how this came about. A question was raised as to how some of the zoning laws could be interpreted, which prompted a review by Town Counsel. In his opinion, Town Counsel said that more than one dwelling per lot was allowed. This was controversial and a number of people wanted the language clarified so what had always been thought to the case of one dwelling per lot would be clear. Town Counsel was asked to prepare this article to accomplish that as a temporary fix until there is a complete rewrite of the zoning bylaws. That is the intent of this article.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 14 Amend Zoning By-Laws – One Dwelling per Lot. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #15 Amend Zoning By-Laws –Section 530 –Special Permits for Multiple Dwelling Units

Mr. Dahlen explained that this is a follow up to the previous article. The previous article dealt with zoning for 1 to 5 dwellings on a single lot. This article deals with a separate section of the zoning

bylaw that deals with 6 or more dwelling units on a single lot, without going through a Conservation Cluster Development or a PUD.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 15 Amend Zoning By-Laws – Section 530 –Special Permits for Multiple Dwelling Units. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #16 Funding the Update of the Zoning Bylaw:

Mr. Flynn provided some background by mentioning that in 2011 we established a Zoning Bylaw Study Committee to point out the issues in the zoning bylaw. That was created because there were numerous lawsuits filed due to questionable language in the bylaws. That initial committee led to the Zoning Bylaw Review Committee (ZBRC), which has been trying to work through some of the language problems but they are finding that when one section is fixed it effects another section. The ZBRC has now recommended that it is time to fund hiring a professional to rewrite the zoning bylaw as the current zoning bylaw has been tinkered with too many times.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 16 Funding the Update of the Zoning Bylaw. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Glennon, Chair of the Planning Board, said he is not opposed but just pointed out that Art. 14, 15, and 16 would all be running concurrently and this would be more than internal staff could handle.

Art. #17 Funding the Update of the Comprehensive (Master) Plan

Mr. Madigan said that this would be a rewrite of the last Plan done in 1999.

Mr. Dahlen said that the previous article (#16 Zoning Bylaw rewrite) is not intended to create any new initiatives, although some policy questions might come up, but rather to clarify the language. The Comprehensive Plan, however, may result in new policies or initiatives, which may then be incorporated into the rewritten Zoning Bylaw.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 17 Funding the Update of the Comprehensive (Master) Plan, as presented. Second by: Mr. Flynn. VOTE: 3:0:0.

Art. #18. Funding the Update of the Zoning Map.

Ms. Massard said that we can fix the both the online and paper maps for less cost than was originally thought, which is why re-codification of the Zoning Bylaw and the Comprehensive Plan will be possible. This will also allow future amendments to be made in-house. She also mentioned that through the Community Compact Plan Duxbury got notice it will receive a \$10,000. grant towards the cost of updating the Comprehensive (Master) Plan. She added we will continue to look for other grant opportunities.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 18 CPC: Allocations in the Funding the Update of the Zoning Map. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #35 Amend Zoning Bylaws –Article 600 –Ground-Mounted Photovoltaic Installations Overlay District (Proposed by Alternative Energy Committee)

Ms. Massard said that this article is part of the Green Community initiative. She said that members of the Alternative Energy Committee (AEC), Ms. Barbara Bartlett (DPS) and Mr. Seth Pickering of Green Communities were also present should the Board have any questions. Ms. Massard then explained that this article and the next one are required criteria for a Town to be accepted as a Green Community. What this article does is proposed a small overlay district (3 acres) adjacent to the current solar array at the Transfer Station on Town-owned land, which would be a by-right district where a solar array, similar to the existing one could be constructed.

Mr. Sandy von Stackelberg, Chair of AEC, explained that the Green Community is a Massachusetts program for grants to qualifying communities to fund renewable energy projects specifically for municipalities. There are five criteria for acceptance.

Mr. Kevin Kingston, AEC member, said it is important for the Town to be able to qualify for Green Community grants. The State has funded \$10 million per year for statewide grants for energy efficiency projects. This article is not for any specific project that has been proposed, but rather is merely to create the district for one to meet one of the Green Community's criteria, but there are currently no plans to add an additional solar array.

Mr. Read mentioned that the Town never has to build anything, but does have to set up a district to meet the Green Communities criteria.

Ms. Massard explained that the goal to become a Green Community is to offset future anticipated costs for school renovations, HVAC systems, and insulation to become more efficient.

Mr. Dahlen move that the Board of Selectmen support 2017 ATM Art. #35 Photovoltaic Installations Overlay District, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Art. 36. Amend Zoning Bylaws –Stretch Energy Code:

This is one of the other criteria for gaining the Green Community designation. Ms. Massard mentioned that when this was initially looked at by the Town it was indefinitely postponed (IPed) because the stretch code and the building code had significant differences. There is a slight change that new residential dwellings are required to meet, but historic restorations and renovations are not affected. The costs are now more acceptable for it to be passed for the community.

Mr. Dahlen commented that he was originally against it and now supports it. Originally was going to add significant costs. Now you pay about \$1500. for a consultant but the customer gets back \$750 and all the light bulbs for the house. There also originally were issues with historic restorations with respect to going from single-pane windows to storm windows, but those restorations are no longer included.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 36. Amend Zoning Bylaws – Stretch Energy Code, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #37 Amend General Bylaws – Chapter 12 Local Historic District Bylaw [LHDC]

Ms. Massard explained that originally there were three local historic districts, but now a number of other homeowners have become interested. So to make it easier to manage they are proposing having

one Local Historic District map and references in the General Bylaw would refer to that one Local Historic District map; instead of the many maps where each property might be located. So when new Local Historic Districts are added the map would be amended but there would be no need to amend the General Bylaw.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 37 Amend General Bylaws – Chapter 12 Local Historic District Bylaw, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #38 Proposed New Local Historic Districts

[LHDC]

	Proposed Local Historic District Name	Address	Owner	Parcel ID MBLU
1	Surplus Street	26 Surplus Street	David P Corey & Xandra O Breakfield	119 087 000
2	Surplus Street	47 Surplus Street	David P Corey & Xandra O Breakfield	119 098 000
3	Surplus Street	88 Surplus Street	Jeanne W & John M (Jack) Clark	119 071 000
4	Surplus Street	112 Surplus Street	Robert F & Suzanne G McMahon	119 868 001
5	Surplus Street	184 Surplus Street	James S Hartford	108 965 008
6	Surplus Street	204 Surplus Street	Phyllis Anne Traver	108 064 000
7	Surplus Street	218 Surplus Street	Allen C & Joanne I Lahey	108 965 001
8	Washington Street	259 and 265 Washington Street	Maarten & Mavis Hemsley	120 177 001
9	Washington Street	291 Washington Street	Miriam B McCaig TT and Miriam B McCaig Family Trust	120 172 000
10	Washington Street	338 Washington Street	William P Rice	119 083 000
11	King Caesar Road	120 King Caesar Road	Duxbury Rural & Historic Society Inc.	134 404 095
12	Stetson Place	44 Stetson Place	Gastaud-Gallagher, Patricia	119 080 001

Ms. Massard said that the Local Historic District Commission (LHDC) did a lot of outreach and public information sessions over the summer. There are now 12 other properties (listed above) that the homeowners have volunteered their property to preserve the historic integrity of their homes. If approved by Town Meeting and getting a favorable response from the Attorney General's office, then these properties would be officially added to the Local Historic Districts. She mentioned that there is a link to a full report online on the LHDC webpage on the Town website that shows the houses and provides the history of each.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM Art. 38 Proposed New Local Historic Districts, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #39 Amend Zoning By-Laws –Article 600 Section 609 Demolition of Historically Significant Buildings
[i.e., Amend “Demolition Delay” bylaw –inserted by Historical Commission]

Mr. Madigan said this article is with respect to proposed changes to Duxbury Protective Bylaw 609, Demolition of Historically Significant Buildings. One of the proposed changes is to extend the demolition delay from 6 months to a year.

Mr. Terry Vose, Chair of the Historical Commission, said that they have been working on this for about four years. They went before the Finance Committee recently and the Finance Committee had issues with it. Given that, at their next meeting the Historical Commission will be discussing whether to bring this forward or to indefinitely postpone it.

Mr. Tag Carpenter, Vice Chair of the Historical Commission, said the article does include a proposal to extend the demolition delay from 6 months to 12 months. He added that there isn't anything in the Bylaw that prevents a homeowner from doing anything with their property, but it does require increasing the period that they are communicating with the Town regarding their plans from 6 months to 12 months to try to find alternates to teardowns or significant renovations. The rest of the proposed changes were to clarify some policy gaps and language. He noted that the Planning Board will be discussing this article at their February 8th meeting.

Mr. Dahlen said there are two aspects of the proposal that are controversial, namely extending the demolition delay from 6 to 12 months and the transferability of it. He said that beyond that the Commission has done a wonderful job of cleaning it up and clarifying the language. He said that while his is not totally supportive of the two controversial aspects, he does feel that the proposed language is much clearer, easier to understand, and easier to administer. He would like to see them move forward with those changes.

There was a brief discussion of whether it should proceed with amendments that would allow the clarifications to the language to move forward, but not the controversial extension of the timeframe and transferability. Mr. Read advocated that it be IP and brought back next year as a clearer process.

The Selectmen opted to postpone voting on this matter until their February 13th meeting.

Art. #40 Amend Zoning By-Laws –/Revisions to Section 570 Affordable Housing
Proposed by the Duxbury Affordable Housing Trust and Board of Selectmen

On behalf of the Duxbury Affordable Housing Trust, Atty. Bob Galvin said that this is essentially the article that was indefinitely postponed last year. The substance has not changed, but there have been some small language tweaks. It is intended to streamline the existing process to identify additional parcels to be developed with an affordable housing proposal. An analysis has been done and it does not add many additional parcels.

Mr. Dahlen added that this is not a new bylaw, but has existed since 2008, but it had weird requirements, like larger setbacks than a conforming lot. So it was not workable. He added this would not appeal to many people - as it is a loser for most people. This is for the person, who would like to create an affordable unit for a family member* and that property would be deed restricted to only be able to be affordable. As an example, Mr. Dahlen said that it would cost the owner about \$400,000 for

the construction, on land that costs zero, and because of the affordable housing restriction the property could only be sold for about \$200,000. in perpetuity.

*Planning Director Valerie Massard clarified that the affordable unit built would be subject to a lottery so it would not necessarily be for a family member.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM 40 Amend Zoning By-Laws – /Revisions to Section 570 Affordable Housing, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #41 Amend Zoning By-Laws –Stormwater Containment

Submitted by: Directors of Planning, DPW, Municipal Services, and Health Agent

Ms. Massard said that there two parts to it:

- (1) **Art. 41** -The first is the property owners, both residential and commercial, contain their stormwater on their lots. While there is a State law that says that you are not supposed to do anything to harm your neighbor, people don't always understand that when they make grading or other changes the runoff might affect their neighbor's property.
- (2) **Art. 42**- The second is to goal to meet an EPA requirement to have stormwater design guidelines, which the Town has three years to comply with. So this takes into future design requirements into consideration that will apply best management principles for stormwater treatment and containment.

Mr. Dahlen made the following comments regarding both Art. 41 and 42. He said supports Art. 42 as he does think it is important to try to develop rules and regulations how you are going to manage this. However, he doesn't think it is right to put it in the Bylaw for residential lots until such time as you do the work. He suggested it should come back to a future Town Meeting. This article refers to the MA Stormwater Handbook, which specifically exempts single-family homes and housing developments /renovations or detached housing developments of 4 or fewer lots provided that there are no stormwater discharges that would effect a critical area. If you are doing a commercial development, you have to go through a design process to prove you have done the necessary engineering to mitigate stormwater management for a 15-year storm event. His concern for individual residents is this would require them to hire professional engineer, at significant cost, to do pre-and post- stormwater calculations to prove work they are planning has mitigated the flows and does not significantly impact other lots. Mr. Dahlen opined that there are enough protections in the building code for the Building Director to cite to withhold occupancy permits. In addition, there are civil legal options. Right now anyone one could make a complaint and the financial burden would be on the homeowner to prove the appropriate mitigation has been done. He feels right now we don't know how it is to be interpreted and should wait for those clarifications.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM 41 Amend Zoning By-Laws – Stormwater Containment, as presented. Second by Mr. Flynn. VOTE: 2:1:0. (*Mr. Dahlen voted nay.*)

Art. #42 Amend Zoning By-Laws –Stormwater Management Consulting Services

Ms. Massard mentioned that all the Directors of Planning, DPW, Municipal Services, and Health Agent are in agreement that they are advocating to agree on what waters should be protected, what methods should be used, and what way should be used to recommend going about that so there is one set of stormwater guidelines. This is written into the statutes so no matter what may happen with the EPA the Town will have to comply.

Mr. Dahlen said he does support this article. He cautioned, however, that this seems to be another unfunded State mandate. He mentioned that should this be a requirement then potentially if the Town had to create the same filtration systems, as a developer, it will cost the Town a lot of money because of the number of point sources that run into Duxbury Bay and the Bluefish River because Duxbury has old infrastructure.

Ms. Massard mentioned that the MAPC is looking to do work on regionalizing whatever components possible for shared costs.

Mr. Dahlen moved that the Board of Selectmen support 2017 ATM 42 Amend Zoning By-Laws – Stormwater Containment, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Art. #45 Citizen's Petition- Amend Zoning Bylaws – Article 400.

Mr. Read asked that the Board postpone voting on this article as the proponent (Mr. Tedeschi) was not present. In the interim, he asked the Board to allow Ms. Massard to provide some information about this matter.

Ms. Massard said that the Planning Board met with Mr. Tedeschi last week. His situation relates to 6 or more dwellings on one lot so there is a slight mix up on what he filed under, which was not his fault but a matter of the timing involved. He was looking to file regarding Art. 530 before it is amended, but that is in abeyance until after Town Meeting before it gets heard. So gist of his filing is to say that anyone who filed when he did (i.e., before December 2nd) should be made exempt. There is a question pending with Town Counsel whether that is possible. In either case, the Planning Board was not supportive.

The Board of Selectmen have already voted their support on Articles 14 and 15, which relate to this, but in fairness to the proponent postponed voting on this Article so he could be invited to present his case. It will be put on a future Selectmen's agenda.

V. TOWN MANAGER'S REPORT – Nothing reported.

VI. COMMITTEE APPOINTMENTS / RE-APPOINTMENTS / RESIGNATIONS

Council on Aging – Appointment

Mr. Dahlen moved to appoint Mr. Kevin Mullins to the Council on Aging to fill an unexpired term due to expire on June 30, 2017. Second by Mr. Flynn. VOTE: 3:0:0

Sidewalk & Bike Path – Appointment

Mr. Dahlen moved to appoint Ms. Jennifer Cole to the Sidewalk and Bike Path Committee to fill an unexpired term due to expire on June 30, 2019. Second by Mr. Flynn. VOTE: 3:0:0

The Sidewalk and Bike Path still has two open seats so interested parties are encouraged to fill out a Talent Bank form.

Sidewalk & Bike Path –Resignation

Mr. Dahlen announced that Ms. Lucy Wilbrenner tendered her resignation from the Sidewalk & Bike Path Committee. Her term was to expire on 06-30-19.

VII. ONE-DAY LIQUOR LICENSE REQUESTS

02-16-17 Duxbury Business Assoc. Meeting at COA

Ms. Murray advised the Board that the applicant notified her that they were withdrawing this request so the Board does not need to take any action on it.

VIII. EVENT PERMITS -There were no event permit requests.

IX. MINUTES

Executive Session Minutes: *none*

Open Session Minutes: *01-23-17 Selectmen's Minutes-DRAFT*

Mr. Dahlen pointed out an amendment to be made to the *01-23-17 Selectmen's Minutes-DRAFT*. Regarding the comments he made with respect to the Aquaculture rules and regulations topic: Mr. Dahlen's concern was with grants being issued to LLC and corporations because they are long-term entities that don't die; like people do. So he was advocating that aquaculture grants not be issued to LLC or corporations but only to individuals.

Mr. Dahlen moved that the Board of Selectmen approve the 01-23-17 Selectmen's Minutes, as amended. Second by Mr. Flynn. VOTE: 3:0:0.

IX. ANNOUNCEMENTS

Mr. Dahlen read the following announcements:

1) U.S. Nuclear Regulatory Public Meeting:

The U.S. Nuclear Regulatory Commission (NRC) staff will meet with the public on **Tuesday, January 31, 2017 from 6:30 p.m. to 9:00 p.m. at the 1620 Hotel, Grand Ballroom, 180 Water Street, Plymouth.** At that time NRC Staff will discuss the preliminary findings and status of the recent inspection at Pilgrim Nuclear Power Station. Members of the public will have the opportunity to pose questions and comments to the NRC.

2) FEMA Flood Insurance Public Meeting:

The Towns of Duxbury, Marshfield and Scituate are hosting a Public Meeting for the purpose of providing additional information on Flood Insurance Policies issued under the provisions of the National Flood Insurance Program (NFIP) **on February 7, 2017 at 6:00 PM at Furnace Brook Middle School, 500 Furnace Street, Marshfield, MA 02050.**

Tomorrow (Jan. 31st) is the deadline for submitting questions relating to Flood Insurance Policies. In Duxbury questions should be sent to either: Town Manager René Read read@town.duxbury.ma.us or Town Planner Valarie Massard Massard@town.duxbury.ma.us.

3) Next Scheduled Selectmen's Meeting is on: Monday, February 6, 2017.

X ADJOURNMENT

At approximately 10:05 pm., Mr. Dahlen moved that the Board adjourn the meeting. Second by Mr. Flynn. VOTE: 3:0:0. Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 01-30-17 SELECTMEN'S MEETING

1. *Agenda for 01-30-17 Selectmen's Meeting -Revised*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *7:00 PM Liquor Compliance Violation-Jamie's Fine Wine and Spirits –Coversheet only.*
 - b. *7:01 Public Hearing-2017 Fee Hearing: Clipper Ad; Coversheets with separate suggested motions and separate packets for proposed fees for: 2017 Beach Stickers; Dog Walking licensing fees (for beach); Transfer Station fees; and Cemetery-Related fees.*
 - c. *Aquaculture -Coversheet with suggested motion; 01-13-17 Town of Duxbury Shellfish Aquaculture Grant Regulations "Grant Program"-DRAFT- REDLINE version.*
 - d. *Intermunicipal Agreement between Duxbury and Rochester Regarding Emergency Dispatch System: Coversheet with suggested motion and copy of the Agreement to be executed.*
 - e. *Discussion pertaining to FEMA Flood Maps: Emails from Shawn Dahlen and Mark Casey regarding FEMA flood insurance issues and reminder about the upcoming FEMA Flood Ins. Meeting on Feb. 7th.*
 - f. *2017 ATM Warrant Articles: Copy of ATM Warrant 01-13-17 –DRAFT; one-liners spreadsheet 01-27-17 Draft; 11-29-16 Memo from Stephen Dunn RE: ATM article regarding increase of clause 41A income requirements*
4. *Town Manager's Report for January 30, 2016*
5. *APPTS./Re-APPTS/RESIGNATIONS: 01-30-17 Appointment/Re-appointments Sheet; 01-30-17 Resignation Sheet.*
6. *ODLLs – Friends of COA for DBA Meeting –Draft and packet.*
7. *EVENT PERMITS: no documents*
8. *MINUTES: 01-23-17 Selectmen's Minutes -Draft*
9. *ANNOUNCEMENT: Suggested Announcements for 01-30-17*