

***PLEASE READ***  
**ARTICLES IN THE WARRANT**  
**FOR THE**  
**ANNUAL TOWN MEETING**



**TOWN OF DUXBURY**

**SATURDAY, MARCH 10, 2018**  
**AT 9:00 A.M.**

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**DUXBURY SCHOOLS PERFORMING ARTS CENTER**

**73 ALDEN STREET**

***ANNOUNCEMENT FROM THE  
MUNICIPAL COMMISSION ON DISABILITY***

**The Annual Town Meeting will take place at the Duxbury Schools Performing Arts Center, 73 Alden Street on March 10, 2018. This location will be equipped with an assistive listening system. The system amplifies the sound and transmits to a personal assistive listening device. You can control the volume. To borrow a receiver, please stop by the designated table at Town Meeting to sign out a device. When you are through for the day, please return the receiver to the sign-out table, as they are in limited supply. This is a program of your Municipal Commission on Disability to make the Town Meetings more accessible to all.**

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**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF DUXBURY - TOWN MEETING**

**WARRANT**

**Saturday, March 10, 2018**

**at**

**9:00 a.m.**

**DUXBURY SCHOOLS PERFORMING ARTS CENTER**

**73 ALDEN STREET**

**Plymouth, ss**

**Greetings:**

**To either of the Constables of the Town of Duxbury, in said County:**

**In the name of the Commonwealth of Massachusetts you are directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF DUXBURY, qualified to vote in elections and in Town affairs, to meet in the Duxbury Schools Performing Arts Center, 73 Alden Street, in said Duxbury on Saturday, the tenth day of March, 2018 next, at 9:00 o'clock in the forenoon for the transaction of any business that may legally come before said meeting:**

# **Duxbury Annual Town Election**

**Saturday, March 24, 2018**

**Polls are open 8:00 a.m. – 8:00 p.m.**

ALL PRECINCTS at the  
Lt. Timothy Steele Athletic Building  
130 Saint George Street, Duxbury, MA

**ARTICLE 1 – ELECTION OF OFFICERS**

To bring in their votes for the following offices: one SELECTMAN for a term of three years; one MODERATOR for a term of one year; one ASSESSOR for a term of three years; one SCHOOL COMMITTEE members for a term of three years; two PLANNING BOARD MEMBERS for a term of five years; two LIBRARY TRUSTEES for a term of three years; one DUXBURY HOUSING AUTHORITY MEMBER for a term of five years, and for any other matters that may be brought forward to the voters on the Town Ballot, or take any action in relation thereto.

Proposed by the Board of Selectmen

**ARTICLE 2 – REPORTS**

To receive the reports of Town Officials, Boards, Committees, and Commissions, or take any action in relation thereto.

Proposed by the Board of Selectmen

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend***

**ARTICLE 3 - COMPENSATION OF ELECTED OFFICIALS**

To see what action the Town will take with regard to fixing the compensation of the elected Town Officers for the twelve month period beginning July 1, 2018, in accordance with M.G.L. Chapter 41, Section 108, or take any action in relation thereto.

Proposed by the Board of Selectmen

	Appropriated FY18	Requested FY19	BOS Recommended FY19	Finance Committee Recommended FY19
<b>Moderator</b>	\$40	\$40	\$40	\$40
<b>Selectmen</b>				
Chair	\$2,000	* \$2,000	* \$2,000	\$2,000
Member	\$1,500	* \$1,500	* \$1,500	\$1,500
Member	\$1,500	* \$1,500	* \$1,500	\$1,500
<b>Assessors</b>				
Chair	\$2,000	\$2,000	\$2,000	\$2,000
Member	\$1,500	\$1,500	\$1,500	\$1,500
Member	\$1,500	\$1,500	\$1,500	\$1,500
<b>Town Clerk</b>	\$72,500	\$76,000	\$76,000	\$76,000
<b>TOTAL</b>	\$82,540	\$86,040	\$86,040	\$86,040

\* = *The Board of Selectmen takes no position on these items.*



**Explanation:** This article sets the salary limits for the elected officials. Article 5 funds the salaries.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

#### **ARTICLE 4A - PERSONNEL PLAN AMENDMENT**

To see if the Town will amend the Town By-law known as the current “Town of Duxbury Personnel Plan”, originally accepted on March 12, 1955 and last amended on March 11, 2017, by deleting it and, pursuant to G.L. c. 41, §108C, replacing it in its entirety with a new “Town of Duxbury Personnel By-Law” to be added as Chapter 3.1.7 of the Duxbury General By-laws to read as shown by underlining for additions (such markings for illustrative purposes only), and to become effective July 1, 2018:

3.1.7 a) Purpose and intent.

The purpose of this chapter is to establish fair and equitable system of personnel administration based on merit principles that ensures uniform, efficient application of policies.

b) Application.

All employees of the Town, excluding elected officials and employees of the School Department shall be subject to the provisions of this by-law and the personnel policies adopted pursuant thereto. To the extent that the terms of any collective bargaining agreement conflict with any provision of this chapter or personnel policies adopted pursuant thereto, the provisions of the collective bargaining agreement shall prevail. Employees not covered by the terms of a collective bargaining agreement shall be governed by the provisions of this by-law and the personnel policies adopted thereto, and shall not be covered by the terms of any collective bargaining agreement.

c) Adoption of Policies.

The Board of Selectmen shall be empowered and authorized by this chapter to adopt personnel policies that establish the rights, benefits and obligations of employees subject to this By-Law. The Board of Selectmen shall hold a public hearing at least two (2) weeks and not more than two (2) months before the final adoption and/or revision of the Town’s personnel policies in accordance with Chapter 41, Section 108A of the Massachusetts General Laws. The Board of Selectmen shall provide the Finance Committee with an opportunity to review and comment on the proposed personnel policies for a period of no less than thirty (30) days prior to the public hearing. Prior to the Board of Selectmen’s initial adoption of said policies in accordance with the authority hereunder, such policies shall consist of the provisions of the Town’s Personnel Plan in effect at the time of enactment of this bylaw.

d) Personnel system.

The personnel policies adopted pursuant to this Chapter shall establish a personnel system which shall include, but need not be limited to, the following elements:

- Method of administration: a system which assigns responsibility for the personnel system, including maintenance of personnel records, implementation of effective recruitment and selection processes, maintenance of the classification and compensation plans, oversight of the application of policies, and periodic review and evaluation of the personnel system
- Proposed classification and compensation plan(s); provided, however, that the classification plan shall be approved by Town Meeting from time to time, and the compensation plan shall be presented to Town Meeting annually, and both shall be attached herein and incorporated herein as “PART IV - Pay Schedule”; the classification plan in effect at the time of enactment of this bylaw shall continue to apply until such time as Town Meeting approves a new plan or amends the existing plan;
- Classification and compensation plan(s), as deemed appropriate;
- Recruitment and selection policies;
- Central record keeping system;
- Rights and obligations of employees; and
- Other elements of a personnel system as deemed appropriate and necessary

e) Personnel Administration.

The Town Manager shall be responsible for the administration of the personnel system and development of a human resources system that meets the needs of the Town. In this capacity, the Town Manager shall have the authority to carry out the following functions, including, but not limited to:

- Appointment and removal of employees (excluding employees who by statute are appointed by officials other than the Board of Selectmen)
- Annual review of compensation and benefits
- Development of methods and standards for selection and appointment of personnel
- Development and administration of performance standards
- Supervision of performance appraisals; and
- Other functions as circumstances necessitate

f) Severability.

The provisions of this chapter and the policies adopted pursuant thereto are severable. In the event any provision of this chapter or any policy adopted pursuant thereto is held invalid, the remaining provisions of the chapter or policy shall remain in full force and effect.

g) Effective Date.

This chapter shall take effect on July 1, 2018.

; or take any action in relation thereto.

Proposed by the Personnel Board/Board of Selectmen

**Explanation:** The Town’s Personnel Plan was historically approved and amended as a By-law of the Town, although maintained separately from the General By-laws. The Personnel Plan includes all of the

Town's employee policies, classification and compensation schedules and guidelines governing most non-union Town employees. Because it is a By-law, any change must be approved by Town Meeting. This has become logistically difficult and prevents the Town from being able to more respond quickly and effectively to events and circumstances affecting employees. Most towns do not have their comprehensive Personnel Plans approved by Town Meeting, but rather have them handled administratively by the Town Manager and Board of Selectmen. The changes recommended in this article are consistent with commonly-accepted practice.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 8-0 to Recommend*

**ARTICLE 4B – FUNDING OF SALARIES**

To see if the Town will approve a compensation plan for Fiscal Year 2019 for all employees of the Town other than those filled by election or subject to a collective bargaining agreement, and raise and appropriate, and/or transfer from available funds, such sums of money as are necessary to implement the Personnel By-Law, and provide funding for any other salary or compensation not addressed by the Personnel By-Law as shown in the following tables using underlining for additions and interlineation for deletions (such markings for illustrative purposes only):

<b>PART IV - Pay Schedule</b>			
<i>Effective July 1, 2018</i>			
<b>Contract Employees</b>			
Town Manager			
Police Chief			
Fire Chief			
Town Accountant			
		<b>Minimum</b>	<b>Maximum</b>
<b>Grade 10 Pay Ranges (FLSA exempt)</b>	<b>Annually</b>	<b>\$90,000</b>	<b>\$140,000</b>
Finance Director			
Department of Public Works Director			
Deputy Fire Chief			
Deputy Police Chief			
<b>Grade 9 Pay Ranges (FLSA exempt)</b>	<b>Annually</b>	<b>\$70,500</b>	<b>\$110,000</b>
Municipal Services Director			
Facilities Director			
Harbormaster			
Human Resources Director			
Information Technology Director			
Library Director			
Public Safety Dispatch Director			
Water & Sewer Superintendent			

<b>Grade 8 Pay Ranges (FLSA exempt)</b>	<b>Annually</b>	<b>\$62,900</b>	<b>\$94,200</b>
Assessing Director			
Buildings & Grounds Manager			
Cemetery Superintendent			
Conservation Agent			
Council on Aging Director			
Operations Manager			
Planning Director			
Recreation Director			
Treasurer/Tax Collector			
<b>Grade 7 Pay Ranges (FLSA exempt)</b>	<b>Annually</b>	<b>\$50,000</b>	<b>\$75,000</b>
<u>Assistant Assessor</u>			
Animal Control Officer			
Assistant Recreation Director			
Executive Assistant to Town Manager			
Executive Officer			
HVACR Technician			
Information Technology Support Technician			
Health Agent			
Library Division Head-Children's Services			
Library Division Head-Circulation Services			
Library Division Head-Reference Services			
Library Division Head-Technology Services			
Local Building & Code Enforcement Inspector (FLSA non-exempt)			
<b>Grade 6 Pay Ranges (FLSA Exempt)</b>	<b>Annually</b>	<b>\$46,000</b>	<b>\$67,000</b>
Aquatic Supervisor			
Budget Analyst			
DPW Office Manager			
Human Resources Assistant			
Operations Officer			
Outreach Manager, COA			
<del>Property Lister/Appraiser</del>			
Respite Program Manager, COA			
Veteran's Service Officer			
<b>Grade 5 Pay Ranges (Mixed FLSA)</b>	<b>Hourly</b>	<b>\$20.00</b>	<b>\$29.00</b>
Admin. Assistant to Chief (FLSA non-exempt)			
Deputy Endangered Species Officer (FLSA exempt)			

Front Office Manager, COA (FLSA non-exempt)			
Program Manager, COA (FLSA non-exempt)			
Volunteer Manager, COA (FLSA non-exempt)			
Food Service Manager, COA (FLSA non-exempt)			
<b>Grade 4 Pay Ranges (FLSA Non-exempt)</b>			
	<b>Hourly</b>	<b>\$19.00</b>	<b>\$27.50</b>
Admin. Assistant to Town Manager/BOS			
Admin. Assistant to Director			
Admin. Assistant to Harbormaster			
Admin. Assistant to Cemetery Superintendent.			
Benefits Specialist			
Police Prosecution Assistant			
Finance Supervisor, COA			
<b>Grade 3 Pay Ranges (FLSA Non-exempt)</b>			
	<b>Hourly</b>	<b>\$17.50</b>	<b>\$24.60</b>
Department Assistant			
Finance Assistant, COA			
Outreach Coordinator, COA			
Program Coordinator, Activities, COA			
Program Coordinator, Home Delivered Meals, COA			
Program Coordinator, Media/Comm., COA			
<b>Grade 2 Pay Ranges (FLSA Non-exempt)</b>			
	<b>Hourly</b>	<b>\$16.00</b>	<b>\$21.50</b>
Program Assistant, Front Desk, COA			
Program Assistant, Respite, COA			
<b>Grade 1 Pay Ranges (FLSA Non-exempt)</b>			
	<b>Hourly</b>	<b>\$14.50</b>	<b>\$19.50</b>
Food Service Associate, COA			
Administrative Associate, COA			
<b>Schedule P.S. (FLSA Non-exempt)</b>			
	<b>Hourly</b>	<b>\$22.00</b>	<b>\$30.76</b>
Building Inspector			
Plumbing/Gas Inspector			
Wiring Inspector			
<b>Police Officers (FLSA Non-exempt)</b>			
	<b>Hourly</b>	<b>\$16.48</b>	<b>\$21.64</b>
Intermittent Police			

Exempt compensation is based on 40 hrs./week, non-exempt compensation is based on 37.5 hrs./week.

<b>Compensation Schedule A</b>

Classification	Pay Rate	
	Alternate Inspector of Buildings	\$22.00
Alternate Plumbing Inspector	\$22.00	per hour
Alternate Wiring Inspector	\$22.00	per hour
Special Detail	Appropriate detail rate	

The classifications listed in Compensation Schedule A are those positions which are fixed in their compensation, receive no vacation, holiday, sick, call back, or termination pay. Service credit for time spent in these positions may not be used under other sections of the Plan. All positions require the use of advertising to solicit new employees. All positions may require a physical examination, and may be reviewed for performance purposes by the employee's immediate supervisor.

Compensation Schedule B			
Classification	Pay Rate		
	Clerical Assistance for Town Committees and Boards (non- union positions only)	Appropriate rate as determined by Town Manager	
Clerk, Registrar of Voters	Pursuant to MGL, Ch. 41, Section 19G		
Election Warden	\$13.00	per hour	
Election Worker	\$11.00	per hour	
Inspector of Animals	\$900.00	per year	
Juvenile Officer	\$150.00	per year	
Lockup Keeper	None		
Police Matron	\$11.00	per hour	
Registrar of Voters	<del>\$100.00</del>	<del>per year</del>	
	\$14.00	per hour	
Sealer of Weights & Measures	\$3,000.00	per year	
Town Clock Custodian	\$200.00	per year	

The classifications listed in Compensation Schedule B are positions, which are fixed in their compensation, receive no vacation, holiday, sick, call back, or termination pay. Service credit for time spent in these positions may not be used under other sections of the Plan. No advertising is necessary to fill these positions. No physicals are required, except those otherwise determined by the Town Manager. These positions may be reviewed, for performance purposes, by the employee's immediate supervisor.

Compensation Schedule R			
Classification	Hourly	Minimum	Maximum
			\$11.00
Animal Shelter Attendant			
Call Firefighter (2 hour minimum per call)			
Emergency Operations Center Specialist			
<del>Endangered Species Monitor Supervisor</del>			
<del>Coastal Natural Resources Monitor Supervisor</del>			

<u>Endangered Species Monitor</u>
<u>Coastal Natural Resources Monitor</u>
<u>Coastal Natural Resources Officer</u>
Harbormaster Assistant
Instructor
Librarian Intermittent
Lifeguard
Program Coordinator
Recreation Specialist
Recreation Supervisor
<del>Reserve</del> <u>Part-time</u> Public Safety Dispatcher
Seasonal (Laborer) Helper
Seasonal Intern
Senior Work Off
Special Police Officer
Bus Dispatcher
Bus Driver
Water Safety Instructor

The classifications listed in “Compensation Schedule R” are positions which receive no vacation, holiday, sick, call back, or termination pay. Service credit for time spent in these positions may not be used under other sections of the Plan. Once a rate of pay has been established for an employee, such rate may not change for a period of at least six months. After that time, as long as there is a reasonable basis determined by the Department Head, employees in these positions will be reviewed annually/seasonally for performance purposes and will be eligible for a performance-based merit award from the employee’s immediate supervisor, with the approval of the Department Head and Town Manager via Personal Action Request Form. Positions may require the use of advertising.

; or take any action in relation thereto.

Proposed by the Personnel Board/Board of Selectmen

**Explanation:** This article provides the annual funding of the compensation plan in accordance with the Personnel By-Law and Personnel Policies. This appropriation covers non-union employee items not included in the Operating Budget such as tuition reimbursement, and pay changes during the next fiscal year.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 5 - OPERATING BUDGET**

To see if the Town will raise and appropriate, and/or transfer from available funds, including the Water Enterprise Fund and the Percy Walker Pool Enterprise Fund, in accordance with M.G.L. Chapter 44, Section 53F½, such sums of money as it determines necessary for Town expenses and charges, including, without limitation of the foregoing, debt and interest, wages, salaries, Reserve Fund, and expenses for operation of the Town's departments and offices, all for the Fiscal Year beginning July 1, 2018 and ending

June 30, 2019, inclusive, in accordance with the following schedule, which is incorporated by reference herein (see Article 5, FY19 Operating Budget on following pages), or take any action in relation thereto.

Proposed by the Finance Committee

**Explanation:** This article presents the FY 2019 Annual Budget. *(Please see the proposed FY 2019 budget on the following pages.)*



**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
	<b>GENERAL GOVERNMENT</b>				
	113 - Town Meeting				
1	Expenses	3,650	4,300	4,300	4,300
	114 – Moderator				
2	Salaries	40	40	40	40
	122 - Selectman/Manager				
3	Salaries	264,330	268,006	268,006	268,006
4	Expenses	12,786	12,450	12,450	12,450
	129 - Historical Commission				
5	Expenses	1,050	1,050	1,050	1,050
	131 - Finance Committee				
6	Salaries	0	0	0	0
7	Expenses	450	450	450	450
	135 – Accounting				
8	Salaries	358,323	376,270	376,270	376,270
9	Expenses	12,235	12,100	12,100	12,100
	136 – Audit				
10	Expenses	48,000	48,000	48,000	48,000
	141 – Assessors				
11	Salaries	228,132	229,426	229,426	229,426
12	Expenses	24,500	21,500	21,500	21,500
	145 - Treasurer/Collector				
13	Salaries	260,703	265,698	265,698	265,698
14	Expenses	58,435	60,124	60,124	60,124

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
	151 - Legal Services				
15	Expenses	275,000	225,000	225,000	225,000
	152 - Human Resources				
16	Salaries	119,116	121,970	121,970	121,970
17	Expenses	49,380	39,980	39,980	39,980
	155 - Information Systems				
18	Salaries	156,920	162,920	162,920	162,920
19	Expenses	296,900	324,181	407,774	407,774
	156 - Public Television Access Services				
20	Expenses	272,500	288,850	280,000	280,000
	158 - Tax Title				
21	Expenses	8,000	8,000	8,000	8,000
	161 - Town Clerk				
22	Salaries	140,505	164,043	164,043	164,043
23	Expenses	27,725	29,455	29,455	29,455
	171 - Conservation Commission				
24	Salaries	140,516	145,512	145,512	145,512
25	Expenses	13,435	13,435	13,435	13,435
	175 - Planning Board				
26	Salaries	105,684	119,291	119,291	119,291
27	Expenses	12,250	12,505	12,505	12,505
	197 - Facilities Management				
28	Salaries	218,893	228,795	228,795	228,795
29	Expenses	143,050	154,050	154,050	154,050
	<b>Sub-Total: General Government</b>	3,252,508	3,337,401	3,413,486	3,413,486

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
	<b>PUBLIC SAFETY</b>				
	210 - Police				
30	Salaries	3,119,217	3,190,549	3,190,549	3,190,549
31	Expenses	394,320	394,320	394,320	394,320
	220 - Fire				
32	Salaries	2,694,790	2,850,443	2,850,443	2,850,443
33	Expenses	295,850	309,880	309,880	309,880
	299 - Regional Dispatch				
34	Salaries	530,463	548,597	596,600	596,600
35	Expenses	7,000	19,200	19,200	19,200
	241 - Municipal Services				
36	Salaries	494,615	513,259	513,259	513,259
37	Expenses	104,850	104,650	104,650	104,650
	295 - Harbor/Coastal Management				
38	Salaries	245,440	258,960	276,723	276,723
39	Expenses	49,150	53,850	53,850	53,850
	<b>Sub-Total: Public Safety</b>	<b>7,935,695</b>	<b>8,243,708</b>	<b>8,309,474</b>	<b>8,309,474</b>
	<b>PUBLIC WORKS</b>				
	192 - Central Building Services				
40	Salaries	63,372	65,603	65,603	65,603
41	Expenses	185,200	193,325	159,325	159,325
	194 - Tarkiln Community Center				
42	Expenses	9,350	8,150	8,150	8,150
	292 - Animal Control				
43	Salaries	79,915	81,784	81,784	81,784
44	Expenses	7,200	7,450	7,450	7,450

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

<b>LINE #</b>	<b>DEPARTMENT</b>	<b>FY 2018 BUDGET</b>	<b>FY 2019 DEPT. REQ.</b>	<b>FY 2019 TOWN MGR</b>	<b>FY 2019 FIN COMM</b>
	294 - Lands & Natural Resources				
45	Salaries	470,478	490,967	490,967	490,967
46	Expenses	51,500	52,000	52,000	52,000
	418 - Central Fuel Depot				
47	Expenses	282,500	262,500	262,500	262,500
	419 - DPW Administration				
48	Salaries	306,563	310,368	310,368	310,368
49	Expenses	54,650	77,950	77,950	77,950
	421 - Vehicle Maintenance				
50	Salaries	163,190	170,611	170,611	170,611
51	Expenses	149,000	149,000	149,000	149,000
	422 - Highway/Road Maintenance				
52	Salaries	492,256	501,777	501,777	501,777
53	Expenses	72,800	74,700	74,700	74,700
	423 - Snow and Ice				
54	Salaries	63,650	63,750	63,750	63,750
55	Expenses	115,000	122,100	122,100	122,100
	424 - Street Lights				
56	Expenses	48,000	42,000	42,000	42,000
	431 - Transfer Station				
57	Salaries	233,813	239,341	239,341	239,341
58	Expenses	674,500	654,400	654,400	654,400
	440 - Sewer				
59	Salaries	16,455	16,419	16,419	16,419
60	Expenses	238,100	244,200	244,200	244,200

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
	491 - Cemetery				
61	Salaries	418,565	432,264	432,264	432,264
62	Expenses	226,400	213,100	213,100	213,100
	<b>Sub-Total: DPW</b>	4,420,557	4,473,759	4,439,759	4,439,759
	<b>HUMAN SERVICES</b>				
	541 - Council on Aging				
63	Salaries	418,400	442,322	442,322	442,322
64	Expenses	156,350	159,225	159,225	159,225
	543 - Veterans Services				
65	Salaries	25,530	26,555	41,935	41,935
66	Expenses	103,875	99,525	99,525	99,525
	840 - Ply. Cty. Coop. Ext.				
67	Expenses	500	500	500	500
	<b>Sub-Total: Human Services</b>	704,655	728,127	743,507	743,507
	<b>LIBRARY &amp; RECREATION</b>				
	610 - Library				
68	Salaries	1,013,295	1,043,025	1,043,025	1,043,025
69	Expenses	345,755	357,285	357,285	357,285
	630 - Recreation				
70	Salaries	221,867	230,155	230,155	230,155
71	Expenses	3,330	11,900	11,900	11,900

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
	631 - Percy Walker Pool				
72	Salaries	173,720	181,404	181,404	181,404
73	Expenses	133,839	142,981	142,981	142,981
	633 - Beach Life Guards				
74	Salaries	25,056	25,056	25,056	25,056
75	Expenses	2,650	2,650	2,650	2,650
	632 - North Hill Golf Course				
76	Expenses	1,500	1,500	1,500	1,500
	<b>Sub-Total: Library &amp; Recreation</b>	1,921,012	1,995,956	1,995,956	1,995,956
	<b>SCHOOLS</b>				
	300 - Duxbury Schools - Operating Budget				
77	Salaries	28,671,698	29,527,886	29,364,000	29,364,000
78	Expenses	5,841,763	6,362,464	6,230,000	6,230,000
	310 - Duxbury Schools - Laptop Lease				
79	Expenses	300,000	0	0	0
	<b>Sub-Total: School Direct Costs</b>	34,513,461	35,890,350	35,594,000	35,594,000
	<b>TOWN &amp; SCHOOL SHARED COSTS</b>				
	<b>EMPLOYEE BENEFITS</b>				
80	916 - Medicare	600,000	610,000	610,000	610,000
81	915 - Life Insurance	12,000	12,000	12,000	12,000

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
82	914 - Employee & Retiree Health Insurance	7,510,000	8,110,800	8,110,800	8,110,800
83	911 - Contributory Pensions	3,288,800	3,456,494	3,448,800	3,448,800
84	909 - Non-Contributory Pensions	20,000	20,000	20,000	20,000
85	945 - Workers Compensation	392,536	365,500	365,500	365,500
	<b>Sub-Total: Employee Benefits</b>	11,823,336	12,574,794	12,567,100	12,567,100
	<b>OTHER SHARED COSTS</b>				
86	945 - Fire, Liability, Insurance	485,613	500,010	500,010	500,010
87	132 - Reserve Fund	120,000	120,000	120,000	120,000
	<b>Sub-Total: Liability Insurance/Reserve Fund</b>	605,613	620,010	620,010	620,010
	<b>DEBT SERVICE TOWN &amp; SCHOOL</b>				
88	710 - Principal Payments	5,701,558	5,796,558	5,796,558	5,796,558
89	751 - Interest on Bonded Debt	2,817,247	2,654,442	2,654,442	2,654,442
90	752 - Interest on Temporary Notes	10,000	10,000	10,000	10,000
91	753 - Bond Expense	10,000	10,000	10,000	10,000
	<b>Sub-Total: Debt Service</b>	8,538,805	8,471,000	8,471,000	8,471,000

**TOWN OF DUXBURY**  
**Operating Budget - Fiscal Year 2019**

LINE #	DEPARTMENT	FY 2018 BUDGET	FY 2019 DEPT. REQ.	FY 2019 TOWN MGR	FY 2019 FIN COMM
	<b>OPERATING BUDGET - WATER</b>				
	450 - Water				
92	Salaries	710,710	778,095	775,068	775,068
93	Expenses	973,828	900,800	1,177,836	1,177,836
	<b>Sub-Total: Water Operations</b>	1,684,538	1,678,895	1,952,904	1,952,904
	<b>DEBT SERVICE WATER</b>				
94	710 - Principal Payments	443,311	644,364	644,364	644,364
95	751 - Interest on Bonded Debt	75,409	98,567	92,812	92,812
96	752 - Interest on Temporary Notes	10,000	0	10,000	10,000
97	753 - Bond Expense	10,000	0	10,000	10,000
	<b>Sub-Total: Water Debt</b>	538,720	742,931	757,176	757,176
	<b>OPERATING BUDGET - PERCY WALKER POOL</b>				
	631 - Pool				
98	Salaries	205,379	0	0	0
99	Expenses	175,716	0	0	0
	<b>Sub-Total: Percy Walker Pool Operations</b>	381,095	0	0	0
	<b>TOTAL - ALL BUDGETS</b>	<b>76,319,995</b>	<b>79,756,931</b>	<b>78,864,372</b>	<b>78,864,372</b>



## **ARTICLE 6 - CAPITAL BUDGET**

To see if the Town will raise and appropriate, transfer from the Water Enterprise Fund, the Stabilization Fund, or other available funds, or authorize borrowing or leasing, a sum or sums of money for capital projects and/or equipment, including, where appropriate, constructing, furnishing and equipping and all other incidental and related costs, in accordance with the following capital budget schedule, which is incorporated by reference herein, and further to authorize the Board of Selectmen, acting as Water Commissioners, to impose betterments pursuant to M.G.L. Chapters 80 and 83 (see Article 6 Capital Projects Requests to follow); or take any action in relation thereto.

Proposed by the Fiscal Advisory and Finance Committees

**Explanation:** This article presents the FY 2019 Capital Budget. (*Please see the proposed FY 2019 Capital Budget on the following pages.*)

## Article 6 - Capital Budget

Line #	Project Requests	Fiscal 2019 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	<b>GENERAL GOVERNMENT</b>				
	<b>Information Systems</b>				
1	Upgrade Vision v8 CAMA License	51,200	51,200	51,200	51,200
2	Digital Photogrammetric	22,700	22,700	22,700	22,700
	<b>Conservation</b>				
3	Lower Chandler Mill Pond Weed Treatment	17,500	17,500	17,500	17,500
	<b>Facilities Management</b>				
4	Alden School Window Project	490,000	490,000	490,000	490,000
	<b>GENERAL GOVERNMENT TOTAL</b>	<b>581,400</b>	<b>581,400</b>	<b>581,400</b>	<b>581,400</b>
	<b>PUBLIC SAFETY</b>				
	<b>Police</b>				
5	Expand Station Parking Lot	85,000	85,000	85,000	85,000
	<b>Fire Department</b>				
6	Replace 2010 Command Car #2	52,843	52,843	52,843	52,843
7	Purchase Edraulic Combination Tools (2)	25,900	25,900	25,900	25,900
	<b>Harbormaster</b>				
8	Update Marine Unit 1 Outboard Engines (2)	47,793	47,793	47,793	47,793
	<b>PUBLIC SAFETY TOTAL</b>	<b>211,536</b>	<b>211,536</b>	<b>211,536</b>	<b>211,536</b>
	<b>PUBLIC WORKS</b>				
	<b>Lands &amp; Natural Resources</b>				
9	Replace 2011 Pick-up Truck L-30	40,000	40,000	40,000	40,000
10	Replace 2007 SCAG 61" Mower	16,000	16,000	16,000	16,000
	<b>Vehicle Maintenance</b>				
11	Replace Drive on Vehicle Lift	16,180	16,180	16,180	16,180

**Article 6 - Capital Budget**

<b>Line #</b>	<b>Project Requests</b>	<b>Fiscal 2019 Request</b>	<b>Town Manager Recommendation</b>	<b>Fiscal Advisory Recommendation</b>	<b>Finance Committee Recommendation</b>
	<b>Highway</b>				
<b>12</b>	Replace 2004 Chevrolet 3500 Pickup Truck H-11	82,653	82,653	82,653	82,653
<b>13</b>	Replace 2006 Chevrolet Silverado Pickup Truck H-26	40,110	40,110	40,110	40,110
<b>14</b>	Replace 2011 Chevrolet Silverado Pickup Truck H-20	36,618	36,618	36,618	36,618
	<b>Transfer Station</b>				
<b>15</b>	Replace 2005 Stecco Ejector Trailer #2	88,200	88,200	88,200	88,200
	<b>Cemetery</b>				
<b>16</b>	Master Plan	45,000	45,000	45,000	45,000
	<b>DEPARTMENT OF PUBLIC WORKS TOTAL</b>	<b>364,761</b>	<b>364,761</b>	<b>364,761</b>	<b>364,761</b>
	<b>LIBRARY &amp; RECREATION</b>				
	<b>Recreation</b>				
<b>17</b>	Replace Alden St. Tennis Court Fencing	17,000	17,000	17,000	17,000
	<b>LIBRARY &amp; RECREATION TOTAL</b>	<b>17,000</b>	<b>17,000</b>	<b>17,000</b>	<b>17,000</b>
	<b>DUXBURY SCHOOLS</b>				
<b>18</b>	Replace Lockers with Cubbies - Chandler School	50,000	50,000	50,000	50,000
<b>19</b>	Add Wireless Access Points - PAC	17,125	17,125	-	17,125
<b>20</b>	Replace PAC Projector	31,295	31,295	31,295	31,295
<b>21</b>	Replace Backup & Recovery Equipment - Phase I of II	47,000	47,000	47,000	47,000
	<b>SCHOOL DEPARTMENT TOTAL</b>	<b>145,420</b>	<b>145,420</b>	<b>128,295</b>	<b>145,420</b>
	<b>GENERAL FUND TOTAL</b>	<b>1,320,116</b>	<b>1,320,116</b>	<b>1,302,991</b>	<b>1,320,116</b>
	<b>WATER ENTERPRISE FUND</b>				
<b>22</b>	Purchase Air Compressor	20,000	20,000	-	20,000
<b>23</b>	Purchase Mobile Vacuum System	18,500	18,500	-	18,500

**Article 6 - Capital Budget**

<b>Line #</b>	<b>Project Requests</b>	<b>Fiscal 2019 Request</b>	<b>Town Manager Recommendation</b>	<b>Fiscal Advisory Recommendation</b>	<b>Finance Committee Recommendation</b>
<b>24</b>	System Rehabilitation	150,000	150,000	150,000	150,000
<b>25</b>	PCE Main Pipe Replacement Program	150,000	150,000	150,000	150,000
	<b>WATER ENTERPRISE FUND TOTAL</b>	<b>338,500</b>	<b>338,500</b>	<b>300,000</b>	<b>338,500</b>

**ARTICLE 7 – SMALL EQUIPMENT AND MINOR SERVICES**

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money to repair, purchase, lease, conduct studies and/or replace departmental property and equipment for the various departments as listed; including, where appropriate, constructing, furnishing and equipping and all other incidental and related costs; or take any action in relation thereto.

Proposed by the Finance Director

**Explanation:** This article would provide funding for items that either do not meet the definition of capital items or the minimum \$15,000 threshold for consideration under Article 6.

*(Please see the proposed Small Equipment and Minor Services budget on the following pages.)*

<b>Article 7 - Small Equipment and Minor Services</b>				
<b>Line #</b>	<b>Project Requests</b>	<b>Fiscal 2019 Request</b>	<b>Town Manager Recommendation</b>	<b>Finance Committee Recommendation</b>
	<b>PUBLIC SAFETY</b>			
	<b>Fire Department</b>			
<b>1</b>	Purchase Ballistic Vests (6)	9,000	9,000	9,000
<b>2</b>	Purchase Ballistic Helmets (6)	3,420	3,420	3,420
<b>3</b>	Replace Firefighting Boat Pump	3,915	3,915	3,915
<b>4</b>	Purchase Firefighting Skid Unit for UTV	8,150	8,150	8,150
	<b>Harbormaster</b>			
<b>5</b>	Replace Town Tender	3,295	3,295	3,295
	<b>PUBLIC SAFETY TOTAL</b>	<b>27,780</b>	<b>27,780</b>	<b>27,780</b>
	<b>PUBLIC WORKS</b>			
	<b>Central Buildings Services</b>			
<b>6</b>	Irrigation Well - Town Hall	6,200	6,200	6,200
	<b>Lands &amp; Natural Resources</b>			
<b>7</b>	Purchase Stand Up Leaf Blower	12,000	12,000	12,000

**Article 7 - Small Equipment and Minor Services**

<b>Line #</b>	<b>Project Requests</b>	<b>Fiscal 2019 Request</b>	<b>Town Manager Recommendation</b>	<b>Finance Committee Recommendation</b>
	<b>Cemetery</b>			
<b>8</b>	Replace 2006 Self Contained Leaf Vac	10,517	10,517	10,517
	<b>DEPARTMENT OF PUBLIC WORKS TOTAL</b>	<b>28,717</b>	<b>28,717</b>	<b>28,717</b>
	<b>LIBRARY &amp; RECREATION</b>			
	<b>Library</b>			
<b>9</b>	Railings for Campus Entrance	1,900	1,900	1,900
<b>10</b>	Reupolster Chairs in Lanman/Study Room (10)	3,020	3,020	3,020
<b>11</b>	Reupholster Couch in YA Area	1,450	1,450	1,450
	<b>LIBRARY &amp; RECREATION TOTAL</b>	<b>6,370</b>	<b>6,370</b>	<b>6,370</b>
	<b>DUXBURY SCHOOLS</b>			
<b>12</b>	Purchase Classroom Furniture (Various) - Phase I of IV	10,000	10,000	10,000
<b>13</b>	Purchase Green Classroom Chairs (60) (DHS)	5,520	5,520	5,520
<b>14</b>	Purchase Student Desks (60) (DHS)	8,210	8,210	8,210
<b>15</b>	Replace Auto Scrubber 24"	9,000	9,000	9,000
<b>16</b>	UnoM Skid Desks (30) (DMS)	4,100	4,100	4,100
<b>17</b>	Purchase Green Classroom Chairs (30) (DMS)	2,760	2,760	2,760
<b>18</b>	Classroom Door & Window Security Shades	9,000	9,000	9,000
	<b>SCHOOL DEPARTMENT TOTAL</b>	<b>48,590</b>	<b>48,590</b>	<b>48,590</b>
	<b>GENERAL FUND TOTAL</b>	<b>111,457</b>	<b>111,457</b>	<b>111,457</b>

## **ARTICLE 8 - UNION CONTRACTS**

To see if the Town will raise and appropriate, and/or transfer from available funds, a sum of money to fund the cost items of the first fiscal year of collective bargaining agreements with any one or more of the following employee organizations for the fiscal year commencing July 1, 2018:

- A. Duxbury Police Union, MCOP Local 376B;
- B. Duxbury Police Commanders Association, MCOP Local 376;
- C. Duxbury Police Dispatchers Union, MCOP Local 376A;
- D. Duxbury Free Library Employees, Service Employees International Union, Local 888;
- E. Duxbury Permanent Firefighter's Association, International Association of Firefighters Local 2167;
- F. Duxbury Municipal Employees, AFSCME, Council 93, Local 1700, Duxbury DPW Employees;
- G. Town of Duxbury Secretaries and Clerks, SEIU Local 888;
- H. Duxbury Teachers Association;
- I. Duxbury Teachers Association Instructional Assistants Unit C;
- J. Duxbury Secretaries/Clerks Association (School); and
- K. Local 1700, AFSCME, A.F.L.-C.I.O., Council 93 (School Custodians);

; or take any action in relation thereto.

Proposed by the Board of Selectmen & School Committee

**Explanation:** This article will fund the cost items of the first fiscal year of collective bargaining agreements for positions in each of the contracts included in the motion made at Town Meeting.

**Recommendations:** *Board of Selectmen Vote – Indefinitely Postpone*  
*Finance Committee Vote – Indefinitely Postpone*

**ARTICLE 9 – SPENDING LIMITS ON REVOLVING FUNDS**

To see if the Town will, pursuant to M.G.L. Chapter 44, Section 53E½ as most recently amended, establish fiscal year limitation on expenditures from the revolving funds established by the Town of Duxbury General Bylaws, Section 1.4, “Department Revolving Funds”, with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended, as follows:

<b>Line</b>	<b>Revolving Fund</b>	<b>FY 2019 Spending Limit</b>
<b>1</b>	Senior Center	\$175,000
<b>2</b>	Jaycox Tree Farm	\$20,000
<b>3</b>	Hazardous Materials Response	\$50,000
<b>4</b>	Regional Dispatch Services	\$150,000

or take any other action in relation thereto.

Proposed by the Finance Director

**Explanation:** Pursuant to M.G.L. Chapter 44, §53E ½, as most recently amended by the Municipal Modernization Act, towns must now adopt a bylaw to establish revolving funds, which the Town did at last year’s Annual Town Meeting. Town Meeting must still approve expenditure limits, however, as is proposed here. Be reminded that these revolving funds are required in order to receive and disburse funds generated through programs supported by such revolving funds. Revenues will be used to offset expenses related to these programs and activities and disbursed under the direction of those indicated.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 10 – ELECTRONIC BALLOTING**

To see if the Town will raise and appropriate and/or transfer from available funds, a sum of money to fund the costs of operating electronic balloting, also known as electronic voting, at Town Meetings, or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** This annual article will fund the cost of electronic balloting at Annual & Special Town Meetings. Currently these funds reside in the Town Clerk’s budget. By making the funding mechanism an annual article, any leftover balance will be brought forward to cover expenses incurred at a subsequent Town Meeting. Periodically this article can be adjusted to reflect the balance in prior year articles.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 11 - DUXBURY BEACH LEASE**

To see if the Town will raise and appropriate and/or transfer from available funds, a sum of money for the purpose of leasing Duxbury Beach, being that portion of land in the Towns of Duxbury and Plymouth owned by Duxbury Beach Reservation, Inc., south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of the Powder Point Bridge (subject to an area of land excluded at High Pines used by the Duxbury Beach Reservation), and authorize the Board of



Selectmen, or its designee, to execute a lease on behalf of the Town, for a period beginning on July 1, 2018, and ending June 30, 2019, on such terms and conditions as the Board of Selectmen deems in the best interests of the Town; or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** This article will fund the lease for the use of Duxbury Beach, which is owned by the Duxbury Beach Reservation, Inc. The lease period will run from July 1, 2018, to June 30, 2019, for which the annual payment will be \$750,000.

A two thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 2-0-1 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 12 - FOURTH OF JULY APPROPRIATION**

To see if the Town will raise and appropriate and/or transfer from available funds, a sum of money to fund the Town of Duxbury’s Fourth of July parade, ceremony and related activities; or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** This is an annual article that allocates funds to be used for Duxbury’s Fourth of July parade and celebration.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 13 - CITIZENS’ PETITION – AMEND ZONING BY-LAWS – PROPOSAL TO RE-ZONE FORMER BATTELLE MEMORIAL INSTITUTE PROPERTY FROM RESIDENTIAL COMPATIBILITY (RC) TO NEIGHBORHOOD BUSINESS 1 (NB1)**

To see if the Town will vote to amend the Town of Duxbury, Massachusetts Zoning Maps as revised and amended to date in order to rezone property located at 0, 397, 401 and 405 Washington Street, Duxbury, (the former Battelle Memorial Institute property) shown on Duxbury Assessor Map 119 as parcels 405-148, 147-405, 147-000, and 146-405, from Residential Compatibility (RC) to Neighborhood Business 1 (NB1), or take any other action relative thereto.

Proposed by Citizen’s Petition

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting  
Finance Committee Voted 6-0-1 to Recommend*

**ARTICLE 14 - AMEND GENERAL BYLAWS - FACILITIES FOR MARIJUANA NOT MEDICALLY PRESCRIBED**

To see if the Town will amend its General Bylaws by adding a new Section 7.25 to read as shown by underlining for additions (such markings for illustrative purposes only), as follows:

## Section 7.25: Facilities for Marijuana Not Medically Prescribed

### 7.25.1 Definitions

“Marijuana Cultivator”, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

“Marijuana Establishment”, a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

“Marijuana Product Manufacturer”, an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

“Marijuana Products”, products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

“Marijuana retailer”, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

### 7.25.2 Prohibition

Marijuana Establishments are prohibited in the Town in accordance with General Laws chapter 94G, section 3.

;or take any other action in relation thereto.

Proposed by the Board of Selectmen and Planning Board

**Explanation:** Duxbury as a community voted against the state ballot question regarding marijuana not medically prescribed (“recreational” marijuana) in 2016, as defined by MGL Ch. 94G. The Town of Duxbury may reasonably regulate the use and distribution of marijuana not medically prescribed as defined by MGL Ch. 94G through the General Bylaw.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

## **ARTICLE 15 - AMEND ZONING BYLAW - FACILITIES FOR MARIJUANA NOT MEDICALLY PRESCRIBED**

To see if the Town will amend its Zoning Bylaw by adding a new Section 619, to read as shown by underlining for additions (such markings for illustrative purposes only), as follows:

Section 619: Facilities for Marijuana Not Medically Prescribed

### 619.1 Intent

On November 8, 2016, the voters of the Commonwealth approved, but the Town of Duxbury did not support (56% voted in opposition), a law regulating the cultivation, processing, distribution, possession and use of marijuana for personal use (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The personal use of marijuana raises planning and public safety issues, such as, but not exclusively: a lack of specific measures to define toxic levels of marijuana use and determine impaired driving limits; which are not consistent with the purpose of the zoning bylaw, which is to protect the health, safety and general welfare of all inhabitants of the Town including the preservation of natural resources.

### 619.2 Definitions

“Marijuana Cultivator”, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

“Marijuana Establishment”, a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

“Marijuana Product Manufacturer”, an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

“Marijuana Products”, products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

“Marijuana retailer”, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

### 619.3 Prohibition

Marijuana Establishments are prohibited in all zoning districts in the Town in accordance with General Laws chapter 94G, section 3.

; or take any other action in relation thereto.

Proposed by the Board of Selectmen and Planning Board

**Explanation:** Duxbury as a community voted against the state ballot question regarding marijuana not medically prescribed (“recreational” marijuana) in 2016, as defined by MGL Ch. 94G. The Town of Duxbury may reasonably regulate the use and distribution of marijuana not medically prescribed as defined by MGL Ch. 94G through zoning.

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 16 - AMEND ZONING BYLAW – SECTION 617 - TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**

To see if the Town will amend the Zoning Bylaw by deleting, in its entirety, existing Section 617 Temporary Moratorium on Medical Marijuana Treatment Centers, which expired on December 31, 2014; or take any other action in relation thereto.

Proposed by the Board of Selectmen and Planning Board

**Explanation:** This is essentially a housekeeping article as the aforementioned moratorium expired just over three (3) years ago and is no longer in effect.

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 17 – SENIOR CENTER EXPANSION**

To see if the Town will raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Town Manager, for the expansion, equipping and furnishing of the Duxbury Senior Center on Parcel No. 093-500-096 on Mayflower Street including any necessary site work and any and all incidental and related expenses, and as funding therefor, authorize the Treasurer, with the approval of the Board of Selectmen to borrow such sum of money pursuant to M.G.L. Chapter 44, Sections 7 and 8 or any other enabling authority and issue bonds and notes therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, and to authorize the Town Manager to accept any gifts or grants for such project; or take any action in relation thereto.

Proposed by Council on Aging Building Committee

**Explanation:** Demand for services at the Duxbury Senior Center has grown at a rapid pace. With the senior population in the Town steadily increasing, space at the facility is not adequate to support the need for respite, health and wellness, and educational programs. This expansion will provide for the space required for additional programs now and into the foreseeable future.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting  
Finance Committee Vote – Available at Town Meeting*

**ARTICLE 18 – ISLAND CREEK VILLAGE - ATB PROFESSIONAL SERVICES**

To see if the Town will raise and appropriate and/or transfer from available funds, a sum of money to be expended under the direction of the Town Manager for the purpose of defending the Board of Assessors in connection with a challenge to the Town's valuation of the following parcels owned by Island Creek

Properties, LLC:

32 Tremont Street	061-452-005
32M Tremont Street	061-452-006
6 Mile Brook Road	061-452-007-BA
4 Mile Brook Road	061-452-007-BB
2 Mile Brook Road	061-452-007-BC
38-42 Post Road	061-452-007-CA
44-52 Post Road	061-452-007-CB
38 Tremont Street	061-452-007-CC
24 Post Road	061-452-007-CH

; or take any action in relation thereto.

Proposed by the Board of Assessors

**Explanation:** The Island Creek Properties, LLC, owners of the so-called Island Creek Village development project, a significant taxpayer in the Town, filed abatements for FY 2017 challenging the Town's property valuation. This abatement was denied by the Board of Assessors and appealed by the project owners to the Appellate Tax Board. These funds will provide for any required experts and legal services, including any potential court time.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 5-0 to Recommend*

**ARTICLE 19 - INFORMATION TECHNOLOGY STEERING COMMITTEE**

To see if the town will authorize the Board of Selectmen to appoint an eleven (11) member Information Technology Steering Committee comprised of the following officials and personnel:

- One (1) member Finance Committee
- One (1) member Fiscal Advisory Committee
- One (1) member Board of Selectmen
- One (1) member School Committee
- One (1) member Fire Department
- One (1) member Police Department
- Town Manager
- Superintendent of Schools
- Town IT Director
- School IT Director
- School Network Administrator

The Information Technology Steering Committee shall (a) work with an independent IT consultant to scope and develop a Town-wide 3-year strategic IT master plan and (b) provide a progress report at the Annual Town Meeting of March 2019 and to further present their recommendations to the Annual Town Meeting of March 2020.

And further to appropriate a sum of money to hire an independent consultant for the purpose of completing a Town-wide IT master plan for the Town of Duxbury, or take any other action in relation thereto.

; or take any other action in relation thereto.

Proposed by the Finance Committee

**Explanation:** During the March 2015 Annual Town Meeting the Town approved Article 31 to “provide a sum of money for the purpose of undertaking a study to assess the Town and School inventories of current IT systems; determine the merits of a merged Information Technology Department; and develop a strategic plan for short and long-term modernization of our technology infrastructure, or take any action in relation thereto.” Additionally, funding would be provided to develop a Town-wide master plan as a guide moving forward.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 8-0 to Recommend*

### **ARTICLE 20 - GENERAL BY-LAW REVISIONS**

To see if the Town will amend the General By-Laws of the Town by making certain non-substantive, ministerial and clerical amendments thereto, including but not limited to correcting inconsistencies, deleting obsolete references, fixing typographical errors, streamlining text for readability and the like, all as set forth in a document entitled, “2018 Government Study Committee Revision to the Town of Duxbury General Bylaws”, as on file with the Town Clerk, with underlining for additions and interlineation for deletions (such markings for illustrative purposes only); or take any other action in relation thereto.

Proposed by Government Study Committee

**Explanation:** The Town By-Laws contain inconsistencies, obsolete references, typographical errors, and awkward and inadvertently omitted wording. The Government Study Committee was explicitly charged with reviewing the By-Laws to suggest changes. These suggested changes have been reviewed and approved by former and current Town Counsel. This Article proposes non-substantive, “clean-up” changes to the By-Laws.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

### **ARTICLE 21 – AMEND GENERAL BYLAWS – INCREASE MODERATOR’S TERM OF OFFICE**

To see if the Town will change the term of office of the elected Town Moderator from one (1) year to three (3) years, beginning with the 2019 Annual Town Election, and for such purposes, amend Section 3.3.1 of the General By-Laws of the Town of Duxbury to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

- 3.3.1 The Moderator shall hold no other Town Office. The Moderator's term of office shall be three ~~one~~ years. In addition to presiding at all Annual and Special Town Meetings, the

Moderator shall make those appointments referred to in Chapter 5.1 of these by-laws and appointments as required by State statute and/or by Town Meeting actions.

; or take any other action in relation thereto.

Proposed by Government Study Committee

**Explanation:** The Moderator is currently elected annually. All other elected town officials in Duxbury are elected for terms of at least three years. State law provides that the Moderator may be elected either annually or for a term of three years. No other term length is permitted. To avoid the effort and expense required to campaign for office every year, and to encourage citizens to run for the office of Moderator, it is recommended that the Moderator's term be changed to three years, commencing with the 2019 local elections.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

## **ARTICLE 22 - AMEND GENERAL BYLAWS – RECONSIDERATION**

To see if the Town will amend section 2.4.6 of the General By-Laws of the Town by deleting said section in its entirety and inserting in place thereof the following language, to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only):

~~2.4.6 All votes for reconsideration shall require the same quantitative vote as the motion to which it applies and shall be made at the same session as the original motion or the next succeeding session, and may be made only once on any motion.~~

2.4.6 Any vote for reconsideration (a) shall require the same quantitative vote as the motion to which it applies, (b) shall be made at the same session as the original motion or the next succeeding session, (c) may be made only once on any one motion, and (d) may only be considered if the proponent provides, in the opinion of the Moderator, factual information that was not available during the session when the original vote was taken.

; or take any other action in relation thereto.

**Explanation:** A motion to reconsider is a mechanism to provide Town Meeting the opportunity to re-vote an article based on new information. However, because the motion can be made only once, it is almost entirely utilized as a parliamentary maneuver to either “freeze” a vote or overturn a vote, depending on the complexion of the Town Meeting attendees. In order to prevent frivolous or abusive use of a reconsideration motion, the Government Study Committee recommends that the General By-laws be expanded to provide that in order for the reconsideration motion to be considered, the proponent must provide new information in the opinion of the Moderator.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting  
Finance Committee Vote – Available at Town Meeting*

**ARTICLE 23 - AMEND GENERAL BYLAWS – CHANGE THE APPOINTING AND REPORTING AUTHORITY OF THE TOWN PLANNER FROM THE PLANNING BOARD TO THE TOWN MANAGER**

To see if the Town will change the appointing and reporting authority of the Town Planner from the Planning Board to the Town Manager and clarify the Town Manager’s authority to direct the day-to-day activities of the Town Planner, and to accomplish the same by making the following changes to the General By-Laws:

- (a) By adding the position of Town Planner to Section 5.3 (Appointments Made by The Town Manager), consistent with alphabetical order;
- (b) By deleting the language “Town Planner (by the Planning Board)” from Section 5.4 (Other Appointed Town Officers); and
- (c) By inserting a new section in Chapter 4, Town Manager, Section 4.10, to provide as follows:

The Town Manager shall hire the Town Planner in consultation with the Planning Board, and shall coordinate the activities of the planning department.

; or take any other action in relation thereto.

**Explanation:** The Planning Director is currently appointed by the Planning Board, but reports on a day-to-day basis to the Town Manager. Since the Town Manager performs the essential supervisory function to this position, and since the Town Planner provides staff support and expertise to many Town Boards and Committees, the appointment authority should rest with the Town Manager. However, the Town Planner’s work being integral to the work performed by the Planning Board, the Government Study Committee recommends that the By-Laws be altered to give the Town Manager appointment authority for the Town Planner, in consultation with the Planning Board.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 24 - AMEND GENERAL BYLAWS – ADD NEW SECTION 6.16 - AUDIT COMMITTEE**

To see if the Town will establish an Audit Committee to oversee the Town’s periodic financial auditing process and the system of internal financial controls and to accomplish the foregoing by amending the General By-Laws by adding the underlined text set forth below (such markings for illustrative purposes only):

6.16 Audit Committee

6.16.1

The Audit Committee shall consist of three (3) members:



Two members shall be members of the Finance Committee, appointed or reappointed annually by the Finance Committee Chairperson; and

One member shall be a member of the Fiscal Advisory Committee, appointed or reappointed annually by the Fiscal Advisory Committee Chairperson.

When practical, all members of the Audit Committee shall have professional experience in accounting, finance, law, or business management.

#### 6.16.2

The Audit Committee shall assist the Board of Selectmen in providing oversight of the independent audit of the Town's financial statements, including:

- a) Soliciting, interviewing and recommending an auditor, and reviewing the auditor's performance and statement of independence;
- b) Suggesting the auditor's scope of services;
- c) Reviewing the audit results and all accompanying financial statements;
- d) Reviewing management letter comments;
- e) Reporting on all of the above to the Board of Selectmen, the School Committee and the Finance Committee.

The members of the Audit Committee shall adopt a description of its responsibilities and policies. This charge shall be approved by the Finance Committee and the Board of Selectmen and shall be reviewed every three (3) years.

; or take any other action in relation thereto.

**Explanation:** The creation of an audit committee is considered a financial "best practice" in order to provide additional checks and balances within the financial reporting process. The State Department of Revenue and the Government Study Committee recommend that this committee be established by adopting a General By-Law to ensure that the structure is firmly established in the financial reporting process to the Selectmen and the Town.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

### **ARTICLE 25 - AMEND GENERAL BYLAWS – PROHIBITION ON HOLDING DUAL OFFICES**

To see if the Town will amend section 3.1.2 of the General By-Laws of the Town by deleting said section in its entirety and inserting the following language to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only); or take any other action in relation thereto.

~~3.1.2 No person shall hold, at one time, the offices of Board of Selectmen and Assessor.~~

3.1.2 No person hired by the Town following June 30, 2018, shall simultaneously hold any elective office in the Town.

; or take any other action in relation thereto.

**Explanation:** The Division of Local Services of the state Department of Revenue recommended that the General By-Laws of the Town adopt several “best practices.” One of these is the prohibition of any current Town employee from holding an elected position in Town. The change promotes clear lines of authority and avoids the potential for conflicts of interest.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 26 - AMEND GENERAL BYLAWS – ENFORCEMENT OF TAX REGULATIONS  
AND AUTHORITY FOR PARTIAL TAX PAYMENTS**

To see if the Town will amend the General Bylaws by adding a new Chapter 14 of the Duxbury General By-Laws, entitled “Tax Title Payment Plans” for the purpose of allowing payment plans for tax title properties, by adding the underlined text set forth below (such markings for illustrative purposes only):

**CHAPTER 14: TAX TITLE PAYMENT PLANS**

14.1. Pursuant to the provisions of G.L. c. 60, §62A, the Treasurer-Town Collector shall have the authority to enter into written payment agreements with every person entitled to redeem ownership of parcels of in tax title which have been taken by the Town as a result of nonpayment of real estate taxes. The payment agreement shall be executed on such terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same, in accordance with G.L. c. 60, §62A and this by-law. The Treasurer-Town Collector shall not refuse to enter into agreements with eligible taxpayers.

14.2 This by-law shall apply to all taxpayers with parcels in the following assessment categories of tax title in the Town:

- a. Commercial property;
- b. Residential property;
- c. Industrial; and
- d. Open space.

14.3 The following conditions must be met prior to the Town entering into all payment agreements:

- a. The Town has not filed a petition to foreclose the rights of redemption with the Land Court, and the recording date of the Instrument of Taking recorded in the Plymouth County Registry of Deeds must be no more than ten (10) years from the date of the proposed agreement; and
- b. All real estate taxes due for the current fiscal year assessed against the parcel must be paid to date.

14.4 All payment agreements shall comply with the following minimum requirements:

- a. The payment agreement shall have a maximum term of no more than five (5) years;
- b. The payment agreement may include a waiver of up to 50% of the interest that has accrued in the tax title account, but only if the taxpayer complies with the terms of the agreement (no taxes or collection costs may be waived); and
- c. The payment agreement must state the amount of the payment due from the taxpayer at the time of execution of the agreement, which must be at least twenty-five percent (25%) of the amount needed to redeem the parcel at the inception of the agreement. The taxpayer must then agree to pay the remaining balance due to the Town in equal monthly installments.

14.5 After the Town has received seventy-five percent (75%) of the total amount due, the taxpayer shall be entitled to a credit equal to twenty-five percent (25%) of the accrued interest on the tax title account. This credit shall be applied against the final installment payment(s) due under the payment agreement.

14.6 During the term of the agreement, the Treasurer-Town Collector may not bring an action to foreclose the tax title unless payments are not made in accordance with the schedule set out in the payment agreement or timely payments are not made on other amounts due to the Town that constitute a lien on the same parcel.

; or take any other action in relation thereto.

**Explanation:** State law requires that the Town enact a by-law in order to permit the Treasure/Collector to enter into written payment agreements with persons entitled to redeem ownership of parcels of in tax title which have been taken by the Town as a result of nonpayment of real estate taxes.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

## **ARTICLE 27 - AMEND GENERAL BYLAWS – LICENSE DENIAL FOR FAILURE TO PAY TAXES**

To see if the Town will amend Section 1.3.2 (a) of the General By-Laws of the Town by deleting said section in its entirety and to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only); or take any other action in relation thereto.

(a) The tax collector shall annually, and may peridocally, furnish to each department, board, commission or division hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers to any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of

such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing not earlier than fourteen (14) days after said notice.

**Explanation:** The current By-Law permits the Town to deny, revoke or suspend a license or permit for failure to pay a tax or other municipal charge which is older than 12 months based upon an annual list. The 2016 Municipal Modernization Act (Chapter 218 of the Acts of 2016) now permits the Tax Collector to furnish information to permit-granting authorities for delinquencies of less than 12 months. This By-Law change is designed to allow the Town to take advantage of the updated law. . In addition, the proposed amendment provides for denial of a license or permit, regardless of the applicant, on land where the owner’s name appears on the list of delinquent taxpayers. Unlike other by-laws, where the content of the bylaw is a matter of discretion for the Town, G.L. c.40, §57 requires that the particular bylaw set forth in the General Laws be adopted by towns.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 7-0 to Recommend*

#### **ARTICLE 28 - AMEND GENERAL BYLAWS – ELIMINATION OF PERSONNEL BOARD**

To see if the Town will amend Section 5.1 (“Appointments Made by the Moderator”) by deleting the words “Personnel Board”; and by deleting Section 6.10 (“Personnel Board”) in its entirety and substituting in place thereof “6.10 Reserved”; or take any other action in relation thereto.

**Explanation:** The Town of Duxbury employs a full-time Human Resources Director and Human Resources Department. This is an area that has required in-house professionalization due to its increasing complexity. The Personnel Board currently serves in an advisory capacity, and is a vestige of governance prior to the creation of the Town Manager position. The Government Study Committee recommends that the Personnel Board be disbanded.

Proposed by Government Study Committee

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 7-0 to Recommend*

#### **ARTICLE 29 – AMEND GENERAL BYLAW RE: HANDICAP PARKING FINES AND ENFORCEMENT AND FUNDING**

To see if the Town will amend the General By-Laws of the Town of Duxbury, specifically, Section 7.21 (d), entitled “Handicap Parking” to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

- (d) Non-Criminal disposition penalties shall be as follows: The penalty for violation of this Bylaw shall be ~~twenty five (\$25)~~ one hundred (\$100) dollars for the first offense, and ~~fifty (\$50)~~ two hundred dollars (\$200) for the second and any subsequent offense.

; or take any action in relation thereto.

Proposed by the Municipal Commission on Disability

**Explanation:** The existing fines for unauthorized parking in a designated space or blocking a curb ramp designated for persons with disabilities have been in place since for many years. Massachusetts General Laws chapter 40, § 21(24) permits a fine of up to \$300.00 per offense. The Duxbury Municipal Commission strongly believes the fee increase will be a stronger deterrent to violators.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

### **ARTICLE 30 - FUNDING AN UPDATE OF THE COMPREHENSIVE (MASTER) PLAN**

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for the purpose of completing the updating of the Comprehensive (Master) Plan for the Town of Duxbury to be expended under the direction of the Planning Director in consultation with the Planning Board to secure professional planning services to assist with that project, or take any other action in relation thereto.

Proposed by the Planning Board

**Explanation:** The Town embarked on its first update of the Comprehensive Plan in 2017 (last updated in 1999) pursuant to MGL Chapter 41, Section 81D. The Metropolitan Area Planning Council (MAPC) has been engaged by the Town to provide technical services, working with the Planning Director and the Planning Board, in doing the update, and will be presenting to Town Meeting.

This document lays out the shared vision for Duxbury's future, and acts as a guidepost for decisions in areas such as land use (including zoning to guide such use), economic development and transportation for the Town. The Comprehensive Plan establishes shared values, creates measurable goals for job creation, open space, housing development, and transportation, and illustrates the areas of the Town to conserve, to enhance, and to transform while building on our traditional rural character and aesthetics. The Town has invested in an update of its Open Space Plan (2017), Housing Production Plan (2014), Community Development Plan (2004), studies of Hall's Corner (2014) and joint studies of the impacts of Sea Level Rise with neighboring towns through the MAPC (2013), with a Climate Resiliency Plan (MAPC) being done currently. Several new town facilities have been constructed, are under construction, or may need to be improved as we move forward. Consistency among planning documents for the Town will improve the capacity for the town to seek funding and resources for identified community goals.

The voters at Town Meeting supported the initial phase (of two phases) by making available the funds necessary to complement grant funding from the Community Compact (\$10,000) and the MAPC's DLTA funds (\$25,000) by providing a sum of \$40,000 with the understanding that an additional \$75,000 would be sought at the 2018 Annual Town Meeting for Phase II. As with last year, if outside grant sources can be found to offset some or all of these costs, Town Meeting will be advised.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 31 – AMEND ZONING BY-LAWS - ARTICLE 425 – NB COVERAGE**

To see if the Town will amend the Duxbury Zoning Bylaws (the Protective Bylaw of the Town of Duxbury) to amend Article 425 to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

425 INTENSITY AND DIMENSIONAL REGULATIONS FOR ALL NEIGHBORHOOD BUSINESS DISTRICTS

425.1 Lot Area, Frontage, Depth Dimensions and Coverage

1. Minimum lot size for NB-1 and NB-2 is 15,000 square feet.
2. Lot Dimension for NB-1 and NB-2:  

Frontage	100 linear feet
Depth	100 linear feet
Front setback	10 linear feet
Side setback	0 linear feet
Rear setback	0 linear feet
3. In a Neighborhood Business District where present buildings are less than forty (40) feet from the right-of way line, new buildings may be placed as near the right-of- way line as the average buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back forty (40) feet.
4. The minimum front setback shall be measured from the right-of-way giving legal access to any lot where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty feet from and parallel with the center line of the traveled way. In the case of a corner lot, the distance of the front setback shall apply to any structure adjacent to either right-of-way.
5. In a Neighborhood Business District, no accessory building or structure shall be located within the required front setback. Accessory structures may be appended to the principal building or to another accessory building.
  - a) Corner Clearance – Within the triangle formed by the lines of intersecting ways and a line joining points on such lines fifteen feet distance from their point of intersection, or in the case of a rounded corner, the point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height three and one-half (3.5) feet and height of eight (8) feet above the plan through their curb grades.
  - b) Projections – Nothing herein shall prevent the projection of steps, stoops, not exceeding thirty square feet in any area, cornices, window sills or belt courses into any required setback.
  - c) Height – Maximum height shall be thirty (30) feet in NB 1 and NB 2.

- d) Exemptions to Height Regulations – The limitations of height in feet shall not apply to chimneys, elevators, poles, ventilators, skylights, tanks, bulkheads, and other accessory structural features usually carried above roofs, nor to domes, towers, or spires of churches or other buildings provided such features are in no way used for living purposes and further provided that no such structural feature of any building shall exceed a height of sixty-five (65) feet from the ground. The Board of Appeals may grant a special permit for greater height for such structures and provided such greater height would not be hazardous or detrimental to the neighborhood.
- e) Site Coverage – In NB1 and NB2 Districts the maximum site coverage of a lot shall be no more than ~~fifty~~ seventy percent (~~75~~70%) of the total area of the lot as defined in Section 302 and not “Lot Area.”
- f) Bedrooms – Above ground floor apartments in Neighborhood Business Districts 1 and 2 shall be limited to no more than two (2) bedrooms.
- g) Reduction of Minimum Requirements – No lot, setback, court or other open space already having less than the minimum requirements in this Bylaw shall be further divided or reduced with respect to such minimum requirement or requirements.

; or take any other action related thereto.

Proposed by the Planning Board

**Explanation:** Duxbury has a relatively small amount of land dedicated to Neighborhood Business District (3%) uses in the Town. In 2008-2010, then Town Planner and the Planning Board, through a Lot Coverage/Parking Working Group (which included three current Planning Board members), worked on an intensive review of coverage and site design elements to make recommendations for improved site development in the commercial areas of Duxbury. The Working Group brought forth several recommendations to improve site design which were adopted by Town Meeting. At the time, however, no consensus was reached in making a recommendation for increasing the coverage requirements [recommendations were split: 70% (2-3) and 60% (2-3)]. The reasons for a lack of consensus were twofold at the time: the water quality treatment standards at the time, and concerns regarding massing at the level of 70% coverage. The study found that most of the business districts are at a ratio of 70% coverage, and recent interviews with local commercial property owners confirm that this is a viable ratio for the success of their commercial sites.

Water quality treatment designs for parking lots have improved since that time, and there is a clear need to improve the treatment of runoff from parking areas in a more consistent manner. Pretreatment, rather than direct infiltration, of stormwater from these areas is the preferred method, and can be attained through proper engineering and design. By allowing for increased parking areas that are paved, water quality will be improved. Current coverage requirements of 50% limit the needed and constructed parking to combinations of traditional pavement with additional gravel or pervious pavement parking, neither of which accomplish the goal of improved water quality as well as the pre-treatment option. In addition, the maintenance and upkeep of standard pavement (rather than a mix of paving and gravel, or the shorter lifetime of pervious pavement which cannot tolerate the wear and tear of vehicular traffic in

the same manner as traditional pavement with today's technology) will improve the overall aesthetics of these sites, and will reduce the maintenance costs to property owners in the community.

For reference, the definition of Coverage in Section 302 is as follows:

1. Building: The maximum percentage of a lot in any district which is covered by buildings which constitute principal and accessory uses thereof. Garages, barns, storage sheds or additions and alterations to the principal residential building occupying the lot shall not be exempt from the definition of building coverage.
2. Site: The percentage of a lot in any district which is covered by impervious structures, including the principal building and accessory structures on the lot. For the purposes of this section, such impervious structures shall include, and not be limited to, paved driveways and parking areas, sidewalks constructed of impervious materials, principal and accessory structures and other on-site amenities that render any portion of a lot impervious.

A two thirds vote of Town Meeting is required to approve this article.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend***

**ARTICLE 32 - AMEND ZONING BY-LAWS - ARTICLE 621 - SOLAR PHOTOVOLTAIC FACILITIES**

To see if the town will amend the Duxbury Zoning Bylaws by adding a new Article 621 entitled "Solar Photovoltaic Facilities," by adding the underlined text set forth below (such markings for illustrative purposes only):

ARTICLE 621 Solar Photovoltaic Facilities

621.1. Purpose

The purpose of this bylaw is to facilitate and appropriately regulate the creation of solar photovoltaic facilities (SPVF) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the maintenance, repair and eventual decommissioning of such facilities.

621.2. Applicability

This Section 621 applies to all large-scale and small-scale solar photovoltaic electric facilities and modifications of existing facilities which are located in the Residential Compatibility, Planned Development, or Neighborhood Business zoning districts; however, this Section does not apply to solar photovoltaic electrical facilities in the Ground Mounted Solar Facilities Overlay District.

In instances where restrictions specific to overlay districts are also applicable, the more restrictive regulations shall apply, unless specifically called out otherwise in this Section 621.

When a proposed ground mounted solar photovoltaic facility is located in the Wetlands Protection Overlay District and would be subject to a special permit per Section 404.10 of the Zoning By-law



for such use, the Planning Board will serve as the Special Permit Granting Authority, and shall weigh the criteria in Section 404, in the consideration of any special permit as may be issued under its authority as the Special Permit Granting Authority per this Section 621.

If a proposed non-accessory ground mounted solar facility is subject to a special permit from the Planning Board for Land Clearing and Grading per Section 611 of the Zoning By-law, for such use the Planning Board shall weigh the criteria of Section 611 in the consideration of its Administrative Site Plan Review, or special permit consideration if applicable, per this Section 621.

#### 621.3. Compliance with Applicable Laws and Regulations

The construction, operation, use, maintenance, repair, modification and removal of all SPVF shall be subject to and comply with all applicable local, state and federal statues, rules, regulations, bylaws and requirements, including, and without limitation, all Town of Duxbury General and Zoning By-laws, including those concerning design criteria, the bulk and height of buildings and structures, lot area, setbacks, open space, parking and building coverage requirements as applicable for the zoning district, whether or not specifically stated in, and in addition to, this Section 621.

#### 621.4. Definitions

Accessory Solar Photovoltaic Facility: Solar Photovoltaic Facility with a nameplate capacity of less than 50 kWDC (kilowatts of direct current), provided that the facility is sized so that the electricity generated by the facility as measured by the Rated Nameplate Capacity is no more than 125% of the load used by the principal use on the lot, where the facility is located, and is incidental and subordinate to the principal use on the lot.

Solar Photovoltaic Facility (SPVF): shall mean and include all devices, equipment, structures and structural design features used for, as part of, or in connection with, the collection, storage, generation, and/or distribution of solar energy, and all appurtenant facilities, structures and equipment thereto.

Ground mounted SPVF: any Solar Photovoltaic Facility that is structurally mounted on the ground, is not roof mounted, or is mounted as permitted by the Planning Board.

Ground mounted Canopy SPVF: any ground mounted Solar Photovoltaic Facility that is elevated above a parking area, pool or other use incidental to the principal use on the lot as may be allowed in the zoning district.

Roof mounted SPVF: any Solar Photovoltaic Facility that is affixed to the roof of a building.

Rated Nameplate Capacity: the maximum rated output of electric power production of the photovoltaic facility in direct current (DC). Such capacity shall mean and include the aggregate capacity of all SPVF located on any lot.

#### 621.5. Use Requirements

- a. No SPVF shall be constructed without a Building Permit.

- b. Except for off-grid systems, no building or other permit or approval for an SPVF shall be issued unless the applicant has provided satisfactory evidence that the utility company has been informed of the owner or operator's intent to install the SPVF and that the utility company has agreed to interconnect the SPVF to the electric power grid.
- c. Roof-mounted Accessory SPVF in the RC, PD and NB districts, and systems or parts of a SPVF located interior to a primary or accessory structure, shall be permitted As-of-Right provided they meet the requirements of this Section 621.
- d. All Ground mounted Accessory SPVF and Ground mounted Canopy SPVF, whether Accessory or non-accessory, in the NB districts shall require Administrative Site Plan review and approval per Section 615 of the Zoning By-law, and shall also submit with the application the information requested per Section 618.5.2 Ground Mounted Solar Photovoltaic Installations Overlay District.
- e. Ground mounted SPVF are not permitted in the RC and PD districts.
- f. Ground mounted canopy SPVF are not permitted in the RC and PD districts.

#### 621.6. General, Safety and Environmental Requirements

SPVF shall be subject to the following restrictions:

- a. All SPVF shall require a sign on the SPVF that identifies the owner and operator of the SPVF and provides a 24-hour emergency contact telephone number. Said sign shall not display any advertising.
- b. Roof mounted SPVF may not protrude higher than the highest point of the roofline. The Planning Board may, by special permit, authorize a protrusion of up to six feet upon a finding by the Planning Board that the requested waiver is in the public interest and is consistent with the purpose and intent of the Town of Duxbury Zoning Bylaws. No waiver shall be granted if the height of the structure measured to the highest point of the SPVF will exceed thirty five feet.
- c. All Ground mounted SPVF must be fenced in a manner consistent with Section 305 Barrier Requirements of the International Swimming Pool and Spa Code , to the satisfaction of the Building Commissioner to prevent injury;
- d. All Ground mounted SPVF shall not cast a shadow upon an abutting lot;
- e. All Ground mounted Canopy SPVF must be designed so that the bottom of the lowest horizontal structure is not lower than 8 feet in order to prevent injury.
- f. All Ground mounted SPVF and Ground mounted Canopy SPVF:
  - (i). May not exceed a height of twenty feet, and must provide for stormwater treatment in accordance with the Zoning Bylaw;

- (ii). Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting shall be directed downward and shall incorporate cutoff fixtures to reduce light pollution;
  - (iii). Shall use panels that each have a similar color, reflectivity and tone, including all replacement panels; however, this requirement may be waived by the Planning Board under Administrative Site Plan Review if the Planning Board finds that this requirement is impractical for a specific installation on a case-by-case basis;
  - (iv). Shall be included in any calculation of the maximum building coverage percentage requirement if applicable, as provided in this Duxbury Zoning Bylaw; and
  - (v). Shall install utilities connections to the external electricity distribution network underground; however, this requirement may be waived by the Planning Board under Administrative Site Plan Review if the Planning Board finds that this requirement is impractical for a specific installation.
- g. Where a Ground mounted SPVF abuts a residential use or public way (excluding Ground mounted Canopy SPVF), there must be increased consideration for mitigating impacts to the residential use or public way. The Planning Board may require items such as, but not limited to, increased setbacks, visual screening such as plantings, or sound buffering as part of the Administrative Site Plan Review.

#### 621.7. Required Security

A cash security for all SPVFs in the Neighborhood Business Districts shall be required in the amount equal to 150% of the cost of site cleanup and restoration, and shall be adjusted on an annual basis to reflect the changes in the Consumer Price Index.

#### 621.8. Monitoring, Maintenance and Reporting

- a. Owner and operator shall maintain the SPVF in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, inspections, and integrity of security measures.
- b. Ground mounted SPVF access and security shall be maintained at a level acceptable to the Fire Chief and shall provide for access through a lockbox or other acceptable measure for emergency response.
- c. Annual reporting for all Ground mounted SPVF and Ground mounted Canopy SPVF shall be submitted to the Building Inspector demonstrating and certifying compliance with the Operation and Maintenance Plan, and such conditions as may be included in a special permit for such facilities. Said reporting shall include information on the maintenance completed during the year, documentation of continued liability insurance, and the amount of electricity generated by the facility. Copies of the reporting shall be submitted to the Planning Board and to any other Town permitting agencies who have issued permits for the SPVF (such as the Fire

Department, Conservation Commission, or other local town authority). All annual reporting shall be submitted within 45 days of the end of the calendar year.

- d. Annual reporting for Roof mounted SPVF in the NB District shall be submitted to the Building Inspector demonstrating and certifying regular inspections as may be required, and the amount of electricity generated by the facility, on an annual basis within 45 days of the end of the calendar year.

#### 621.9. Abandonment and Decommissioning

a. Removal Requirements

Any SPVF which has reached the end of its useful life or has been abandoned shall be removed. The owner shall be responsible for ensuring that the SPVF is physically removed within 150 days after the date of discontinued operations. The owner or operator shall notify the Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of physical removal of all components of the SPVF, including but not limited to structures (for Ground mounted SPVF), foundations (for Ground mounted SPVF), equipment, security barriers and above-ground transmission lines, as well as associated off-site utility interconnections if no longer needed.

Disposal of all solid and hazardous waste must be in accordance with local, state and federal waste disposal regulations.

Restoration of the site to its natural pre-existing condition shall be completed within thirty days after removal of the SPVF, including stabilization or re-vegetation of the site as necessary to minimize erosion.

b. Enforcement by the Town.

If the owner fails to remove a Ground mounted SPVF in the NB Districts in accordance with this Section 621, the security set forth in Section 621.7 shall be forfeited to the Town, and the Town may take further enforcement action as provided in this Zoning Bylaw, including seeking injunctive relief from the courts.

; or take any other action related thereto.

Proposed by the Planning Board

**Explanation:** The Town of Duxbury may reasonably regulate the installation of solar energy systems under Chapter 40A, §3 through zoning. The proposed zoning will provide for certain standards for screening, location, design considerations, fencing and maintenance in keeping with the intent of the zoning bylaw. The proposed zoning does not affect the previously-adopted Ground Mounted Solar (GMSP) overlay district, and therefore does not affect the language approved as part of the Green Communities designation recently received from the State.

A two thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

**ARTICLE 33 - AMEND ZONING BY-LAWS - ARTICLE 400 - SECTIONS 404.6.5 AND 404.10  
REGARDING UTILITIES INSTALLATION - SOLAR PHOTOVOLTAIC FACILITIES**

To see if the Town will amend the Duxbury Zoning Bylaws, Article 400, Sections 404.6.5 and 404.10 regarding Utilities Installation, in order to be consistent with the new Article 600 Section 621 Solar Photovoltaic Facilities, by adding the underlined text set forth below (such markings for illustrative purposes only):

404.6 Uses Permitted by Special Permit

Upon issuance of a special permit by the Board of Appeals, and subject to such special conditions and safeguards as the Board of Appeals may impose, the following uses and structures may be permitted:

5. Utilities installation; unless said utility is a Solar Photovoltaic Facility as defined and regulated by Article 600, Section 621 of this Bylaw, in which case the Planning Board shall serve as the Special Permit Granting Authority and/or Administrative Site Plan Review board in reviewing the application consistent with Article 600, Section 621 and this Section 404.

404.10 Special Requirements for Utility Installation

Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric line, water line, gas line and telephone line, or waste disposal or drainage facilities shall be permitted within the Wetlands Protection Overlay District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal for sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards and prevent pollution. For solar photovoltaic facilities as defined and regulated by Article 600, Section 621 of this Bylaw, the Planning Board shall serve as the Special Permit Granting Authority and/or Administrative Site Plan Review board in reviewing the application consistent with Article 600, Section 621 and shall make the determination required by this Section.

; or take any other action related thereto.

Proposed by the Planning Board

**Explanation:** The Planning Board has proposed a new Solar Photovoltaic Facilities Section 621 in the Zoning Bylaw which will regulate the installation of solar photovoltaic facilities. The Planning Board is named as the Special Permit Granting Authority within new Section 621 for said facilities in the Wetlands Protection Overlay District (Article 400) in the existing Zoning. This article is essentially a housekeeping article for consistency within these other Sections of the Bylaw.

A two thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*

*Finance Committee Voted 7-0 to Recommend*

**ARTICLE 34 - CONSERVATION LAND PURCHASE – SUMMER STREET**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, for open space, agricultural, water supply protection and passive recreation purposes, the fee simple interest in and to a certain parcel of land containing 27.32 acres, more or less, and shown on a plan of land on file at the Office of the Town Clerk, known as the DeLorenzo Parcel and identified as a portion of Assessor's Parcel Number 031-047-000, with the Conservation Commission having care, custody and control of said land under the provisions of Chapter 40, Section 8C of the General Laws, and to appropriate from the Community Preservation Fund a sum of money for the purpose of acquiring said land and any costs incidental or related thereto, and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under the provisions of MGL Chapter 44B, MGL Chapter 44 and/or any other enabling authority and to issue bonds or notes of the Town therefor, and also to authorize the Board of Selectmen, the Conservation Commission and its or other designees to apply for and accept on behalf of the Town gifts and/or grants solicit grants or receive gifts for the purposes of this Article, including to file any and all applications deemed necessary under the Local Acquisitions for Natural Diversity (LAND) grant program (M.G.L. Chapter 132A, Section 11) and/or any federal and/or other state programs, including those in aid of the acquisition of land for the purposes stated herein, and authorize the Selectmen and/or the Conservation Commission to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition and also to enter into and execute management agreements for terms of up to ten years each as the Board of Selectmen and/or the Conservation Commission deem to be in the best interests of the Town, and, further, to authorize the Board of Selectmen to grant a permanent restriction or restrictions on said parcel of land meeting the provisions of MGL Chapter 184, Sections 31-33, as required under MGL 44B, Section 12(a); or take any action in relation thereto.

Proposed by the Community Preservation Commission/Conservation Commission

**Explanation:** The purpose of this article is to authorize and fund the purchase of approximately 27 acres of conservation land, to be placed under the care and custody of the Conservation Commission, and allow the Selectmen and/or the Conservation Commission to enter into farm management agreements for up to ten years.

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 7-0 to Recommend*

**ARTICLE 35 – CONSERVATION LAND PURCHASE – CHURCH STREET**

To see if the Town will vote upon recommendation of the Community Preservation Committee, to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, for open space, water supply protection and/or passive recreation purposes, a fee simple interest in and to certain parcels of land located on Church Street, Duxbury, containing 21.61 acres in the aggregate, shown on a plan of land on file at the Office of the Town Clerk, known as the Williams Parcel and identified as Assessor's Parcel Numbers 088-022-000 and 088-038-000, with the Conservation Commission and the Water Commissioners having care, custody and control of portions of said land under the provisions of MGL

Chapter 40, Section 8C (for open space and passive recreation purposes) and MGL Chapter 40, Section 41 (for water supply protection purposes), respectively, and to appropriate from the Community Preservation Fund and the Water Enterprise Fund a sum of money for the purposes of acquiring said land and any costs incidental or related thereto, and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen [and the Water Commissioners], to borrow a sum of money under the provisions of MGL Chapter 44B, MGL Chapter 44 and/or any other enabling authority and to issue bonds or notes of the Town therefor, and to further authorize the Board of Selectmen, the Conservation Commission, and/or the Water Commissioners or their designees to apply for and accept on behalf of the Town gifts and/or grants under the Local Acquisitions for Natural Diversity (LAND) grant program (under M.G.L. Chapter 132A, Section 11), and/or any federal and/or other state programs, including those in aid of the acquisition of land for the purposes stated herein, and authorize the Selectmen, the Conservation Commission, and the Water Commissioners to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition, and, further, to authorize the Board of Selectmen to grant a permanent restriction or restrictions on said land meeting the provisions of MGL Chapter 184, Sections 31-33, as required under MGL Chapter 44B, Section 12(a); or take any action in relation thereto.

Proposed by the Community Preservation Commission/Conservation Commission

**Explanation:** The purpose of this article is to authorize and fund the purchase of approximately 21 acres of land, a portion of which is to be placed under the care and custody of the Conservation Commission and a portion of which is to be used by the Water Department.

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

#### **ARTICLE 36 - CONSERVATION LAND DONATION**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift and/or eminent domain, a parcel of land located off Duck Hill Road, containing 20.53 acres, more or less, identified as Assessor's Parcel Number 105-041-000 and described in a deed recorded with the Plymouth County Registry of Deeds in Book 2527, Page 226, said property to be acquired for and dedicated to conservation and passive recreation purposes in perpetuity and under the care, custody and control of the Conservation Commission pursuant to the provisions of MGL Chapter 40, Section 8C, or take any other action in relation thereto.

Proposed by the Conservation Commission

**Explanation:** The family owning this land wishes to donate the parcel to the Conservation Commission.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 7-0 to Recommend*

#### **ARTICLE 37 - CONVEYANCE A PARCEL OF LAND LOCATED ON SUMMER STREET FROM THE DUXBURY AFFORDABLE HOUSING TRUST TO THE CONSERVATION COMMISSION**

To see if the Town will vote to transfer from and authorize the Duxbury Affordable Housing Trust to convey a parcel of land identified as Assessor's Parcel Number 030-500-014, located on Summer Street, described in a deed recorded with the Plymouth Registry of Deeds in Book 48429, Page 188, and granted to the Trust by the Town for affordable housing purposes, to the Conservation Commission under the provisions of MGL Chapter 40, Section 8C and to dedicate said parcel for conservation purposes in perpetuity; or take any other action in relation thereto.

Proposed by the Duxbury Affordable Housing Trust

**Explanation:** The Town originally acquired the subject property in 2000 by tax title foreclosure, and the Selectmen conveyed the property to the Trust "for affordable housing" by deed recorded with the Plymouth Registry on May 16, 2017, in Book 19000, Page 122. In 2017, the Trust and the Selectmen issued an RFP, soliciting bids for the sale and/or development of the property for affordable housing purposes, but did not receive any proposals. Since the property is suited for open space purposes, the Trust, would like to donate the property to the Conservation Commission rather than using it for affordable housing purpose, and requests Town Meeting approval under MGL Chapter 40, Section 15A to transfer/convey the property to the Conservation Commission. If this article is approved, and once the property is conveyed to the Conservation Commission, it will become permanently protected under Article 97 of the Massachusetts Constitution.

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 7-0 to Recommend*

**ARTICLE 38 – SALE OF TOWN-OWNED LAND ACQUIRED BY TAX TITLE - SOUTH RIVER LANE EAST**

To see if the Town will vote to transfer the care, custody and control of the parcel of land located on South River Lane East, identified by the Assessors as Parcel Number 041 500 023, and acquired by the Town by Judgment In Tax Lien Case recorded with the Plymouth County Registry of Deeds in Book 26766, Page 178, from the tax custodian for tax title purposes to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen to convey said parcel on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate; or take any other action in relation thereto.

A two-thirds vote of Town Meeting is required to approve this article.

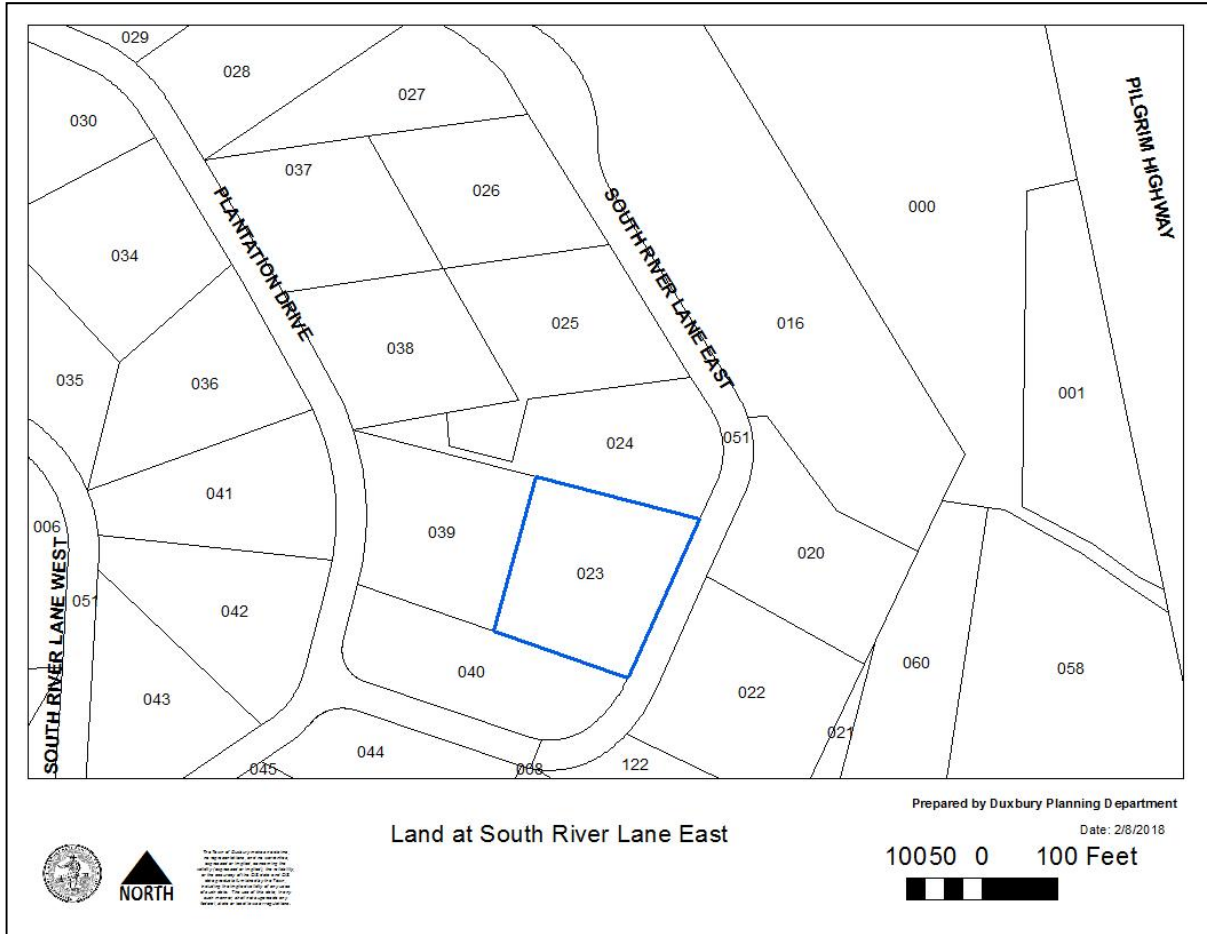
Proposed by Board of Selectmen

**Explanation:** This parcel was acquired by the Town for non-payment of taxes and through foreclosure of tax title. The Board of Selectmen propose to convey the parcel and use the proceeds from the sale for free cash.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Vote – Available at Town Meeting*



**ARTICLE 38 – SALE OF TOWN-OWNED LAND ACQUIRED BY TAX TITLE - SOUTH RIVER LANE EAST (MAP FOR ILLUSTRATIVE PURPOSES)**



**ARTICLE 39 - TRANSFER OF TOWN-OWNED LAND ACQUIRED BY TAX TITLE TO THE TOWN OF DUXBURY AFFORDABLE HOUSING TRUST - SOUTH RIVER LANE EAST**

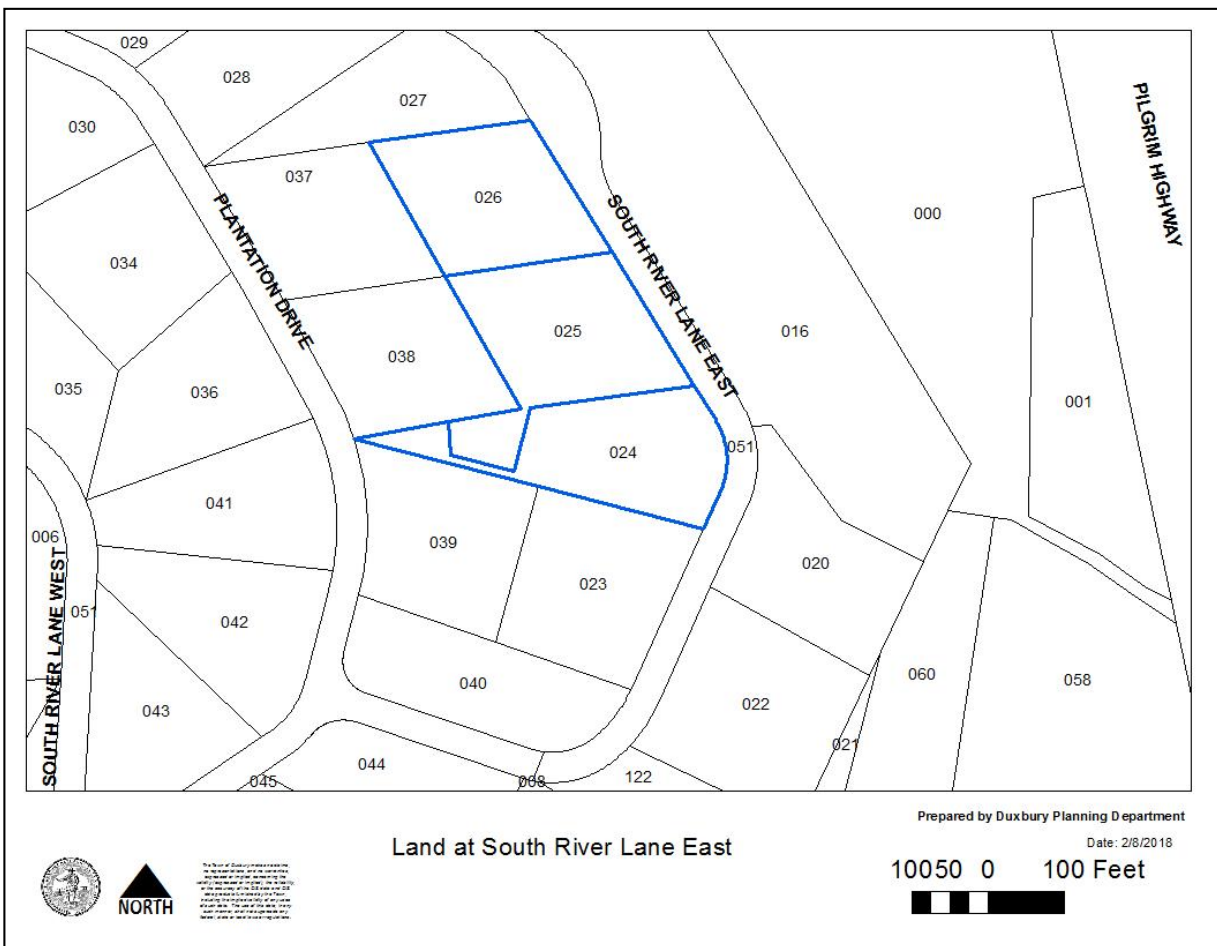
To see if the Town will vote to transfer the care, custody and control of the parcels of Town-owned land identified as Assessor's Parcel Numbers 041-500-024 and 041-500-025, acquired by the Town by Judgment in Tax Lien Case recorded with the Plymouth County Registry of Deeds in Book 26766, Page 177, and Parcel Number 041-500-026, acquired by the Town by Judgment in Tax Lien Case recorded with the Plymouth County Registry of Deeds in Book 26738, Page 223, all located on South River Lane East, from the tax custodian for tax title purposes to the Town of Duxbury Affordable Housing Trust for affordable housing purposes; or take any other action in relation thereto.

Proposed by the Duxbury Affordable Housing Trust

**Explanation:** These parcels were acquired by the Town for non-payment of taxes through foreclosure of tax title. The Board of Selectmen and Affordable Housing Trust propose to transfer these properties to the Town's Affordable Housing Trust for the purpose of creating new or additional affordable housing opportunities in Duxbury.

A two-thirds vote of Town Meeting is required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Vote – Available at Town Meeting*



**ARTICLE 40 – CPC: OPERATING FUND**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund, in accordance with MGL Chapter 44B, such sums of money as it determines necessary for the administrative expenses and charges for operation of the Community Preservation Committee for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 inclusive; or take any other action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** The approval of this article provides annual funding for the administrative and operational costs of the Community Preservation Committee, including, without limitation, incidental project costs. Under the CPA, up to 5% of the annual CPA revenues may be spent on the administrative costs of the Community Preservation Committee. It is necessary to appropriate such funds on an annual basis.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 5-0 to Recommend*

**ARTICLE 41 – CPC: ALLOCATIONS**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate and/or transfer from the Community Preservation Act Fund annual estimated revenues a sum of money for the Open Space Reserves, the Community Housing Reserves, and the Historic Resources Reserves, as required by the Community Preservation Act, MGL Chapter 44B, Section 6,; or take any other action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** The purpose of this article is to comply with the provisions of MGL Chapter 44B, Section 6 which requires that, every fiscal year, upon recommendation of the Community Preservation Committee, Town Meeting shall spend, or set aside or reserve for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources, and not less than 10 per cent of the annual revenues for community housing.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 5-0 to Recommend*

**ARTICLE 42 – TOWN CLERK RECORDS PRESERVATION**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund a sum of money to be utilized to pay for the preservation of permanent historical records; or take any other action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** The Town Clerk is seeking funding to take measures to preserve 12 books of permanent records dating back to 1642.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 5-0 to Recommend*

**ARTICLE 43 - CONSTRUCTION OF BALL FIELD DUGOUTS AT KEENE STREET PLAYGROUND**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund a sum of money to rehabilitate and fund the construction of dugout structures at the Keene Street Ball Fields, including site preparation, demolition, and all incidental and related costs, or take any action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** This article will fund the construction of six baseball dugouts at the three baseball fields located at the Keene Street Playground.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 5-0 to Recommend*

**ARTICLE 44 - DECOMMISSIONING RADIOLOGICAL CLEANUP STANDARD**

To see if the Town will vote to authorize the Board of Selectmen to request that the Secretary of Health and Human Services direct the Massachusetts Department of Public Health to establish a radiological cleanup standard for decommissioned commercial nuclear reactor sites that is more conservative than the federal standard. The allowed residual radioactivity, distinguishable from background radiation, including radioactivity from groundwater, should be as low as technologically feasible; in no event more than 10 millirems per year. The residual radioactivity, distinguishable from background radiation, in groundwater sources of drinking water should not be more than 4 millirems per year. This standard should apply to a decommissioned commercial reactor irrespective of whether the reactor site is released for unrestricted or restricted use. Residual radiation will leak offsite, and it is impossible to predict how the site might be used in the future. The Clerk of Duxbury shall forward the text of this Article to Secretary of Health and Human Services, Mary Lou Sutters and the Commissioner of Public Health, Monica Bharel, so that the intent of the Citizens of Duxbury is widely known.

Proposed by the Duxbury Nuclear Advisory Committee

**Explanation:** There is no completely safe level of radioactivity. After Pilgrim is decommissioned, there will be left-over radiation in the soil at Pilgrim. Because of the topography of the land, the radioactivity will migrate offsite into Cape Cod Bay. Current NRC regulations allow the Pilgrim site to be released for unrestricted use, e.g., homes, schools, playgrounds, farms, or parks, if the level of residual radiation is no higher than 25 millirem per year. But this level corresponds to a risk of getting cancer from residual radiation that is hundreds of times greater than any allowed risk from chemical contaminants. Why is radiation a “privileged pollutant?” The numbers tell the story. For a mixture of chemicals, the Massachusetts Department of Environmental Protection (DEP) and the EPA allow a cancer incidence risk of one in a hundred thousand (1/100,000); DEP’s allowed cancer incidence risk for one chemical is one in a million (1/1,000,000). But, the NRC’s allowed 25 millirem per year likely would result in an approximate cancer risk of about 175 in one hundred thousand (175/100,000). (National Academies of Sciences Biological Effects of Ionizing Radiation most recent report BEIR VII, pg., 8 and Table 12-9) Even 10 millirems a year would result in an approximate lifetime cancer incidence risk of 70 in 100,000.

We have no doubt that residual radiation can be reduced well below 10 millirem per year using currently available technology; and there is no reason not to do so.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 5-0 to Recommend*

**ARTICLE 45 – PROPOSED NEW LOCAL HISTORIC DISTRICTS**

To see if the Town will create the following new local historic districts to be administered through the Duxbury General Bylaw, Chapter 12, and to update the Official Local Historic District Map of the Town of Duxbury to include these new Local Historic Districts:

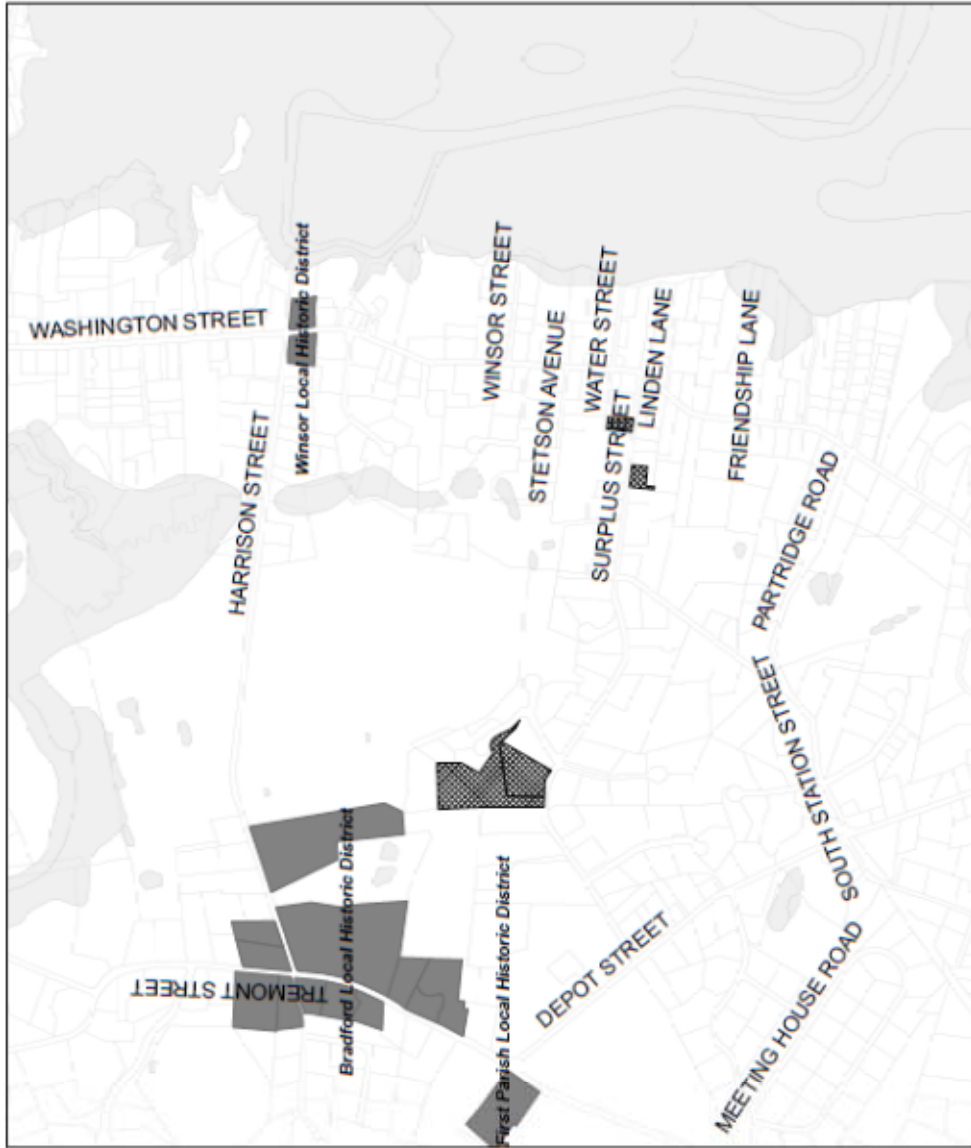
	<b>Proposed Local Historic District Name</b>	<b>Address</b>	<b>Owner</b>	<b>Parcel ID MBLU</b>
<b>1</b>	Surplus Street	26 Surplus Street	David P Corey & Xandra O Breakfield	119 087 000
<b>2</b>	Surplus Street	47 Surplus Street	David P Corey & Xandra O Breakfield	119 098 000
<b>3</b>	Surplus Street	204 Surplus Street	Phyllis Anne Traver	108 064 000
<b>4</b>	Surplus Street	218 Surplus Street	Allen C & Joanne I Lahey	108 965 001
<b>5</b>	Washington Street	259 and 265 Washington Street	Maarten & Mavis Hemsley	120 177 001
<b>6</b>	Washington Street	291 Washington Street	Miriam B McCaig TT and Miriam B McCaig Family Trust	120 172 000
<b>7</b>	Washington Street	338 Washington Street	William P Rice	119 083 000
<b>8</b>	King Caesar Road	120 King Caesar Road	Duxbury Rural & Historic Society Inc.	134 404 095
<b>9</b>	Stetson Place	44 Stetson Place	Gastaud-Gallagher, Patricia	119 080 001

As further described in the Preliminary Study Report entitled “Proposed Local Historic Districts: Surplus Street Local Historic District, Washington Street Local Historic District, Stetson Place Local Historic District, King Caesar Local Historic District,” Prepared by The Duxbury Local Historic District Commission, November, 2016;



The State of New York creates no claim, nor does it warrant or guarantee the accuracy or completeness of the information or data contained in this report. The State of New York is not responsible for any errors or omissions in this report. The State of New York is not responsible for any actions taken or not taken by any person, firm, or corporation on the basis of this report.

**ARTICLE**  
**PROPOSED LOCAL HISTORIC DISTRICTS:**  
**SURPLUS STREET LOCAL HISTORIC DISTRICT**



0 1,000 2,000 Feet



Date: 2/27/2017

Prepared by Duxbury Planning Department

Local Historic District Name	Address	Parcel ID (MILLU)	Town Meeting Action
Surplus Street	26 Surplus Street	159 067 000	Proposed 2017 A/TM
Surplus Street	47 Surplus Street	159 068 000	Proposed 2017 A/TM
Surplus Street	304 Surplus Street	159 064 000	Proposed 2017 A/TM
Surplus Street	218 Surplus Street	159 065 001	Proposed 2017 A/TM

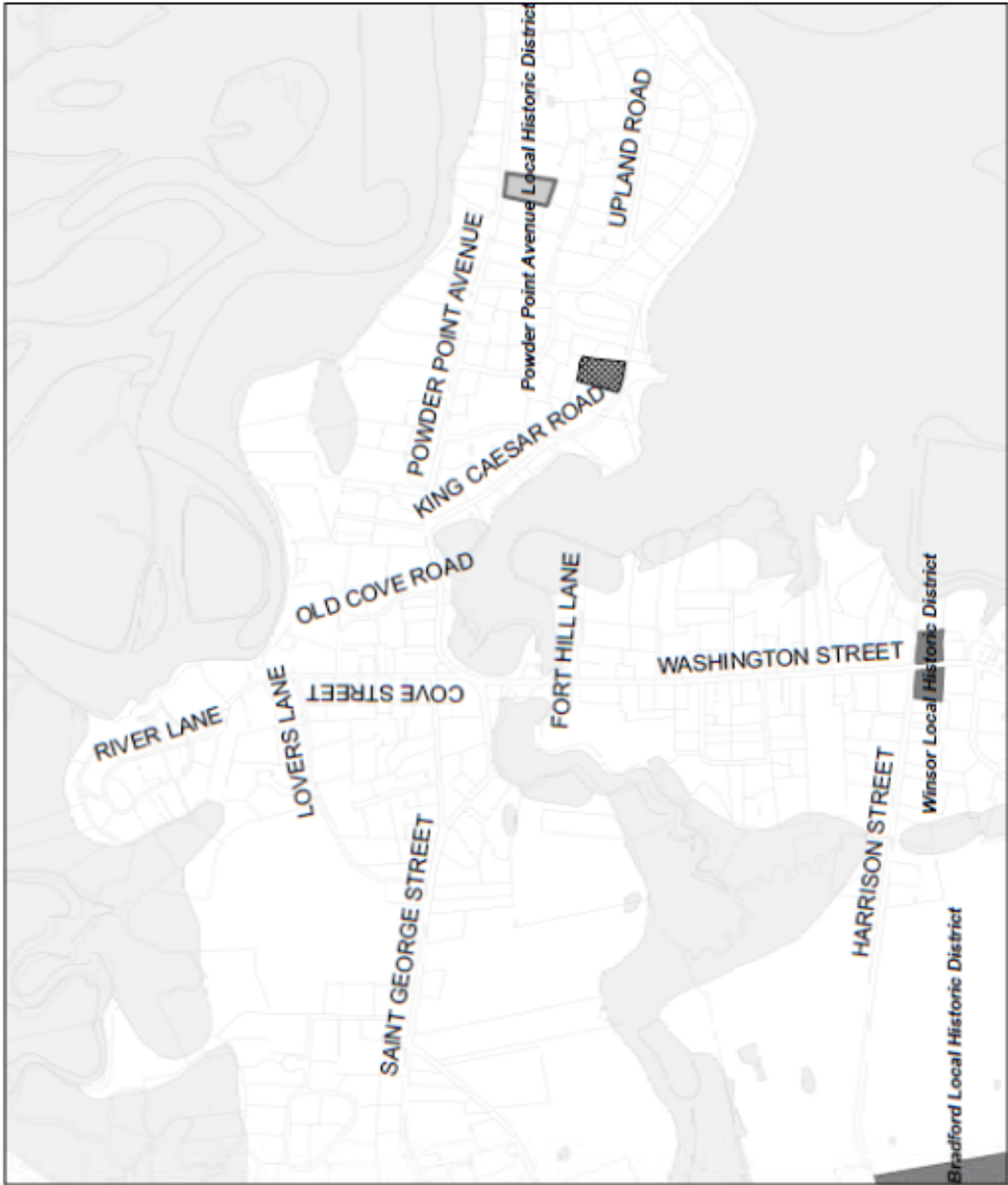
The Town of Duxbury makes no claim, and does not warrant, the accuracy, completeness or reliability of any information contained in this map. The user of this map, in any manner, shall be held liable for any and all consequences of its use.



**ARTICLE**  
**PROPOSED LOCAL**  
**HISTORIC DISTRICTS:**  
**KING CAESAR ROAD**  
**LOCAL HISTORIC DISTRICT**

**Legend**

-  King Caesar Road Local Historic District
-  Local Historic District
-  Pending ADO Approval (2016 Special TM)



Date: 12/20/2016

Prepared by Duxbury Planning Department

Proposed Local Historic District Name	Address	Owner	Parcel ID	MRU
King Caesar Road	120 King Caesar Road	Duxbury Rural & Historic Society Inc.	034-051-095	



The Town of Duxbury makes no claim as to representation, and no warranty, as to the accuracy of the data and information provided herein, and the user assumes all liability for any use of the data and information provided herein. The user of this data, as a user, shall be responsible for any and all errors or omissions.

**ARTICLE \_\_\_\_\_  
PROPOSED LOCAL  
HISTORIC DISTRICTS:**

**STETSON PLACE  
LOCAL HISTORIC DISTRICT**

**Legend**

- Stetson Place Proposed Local Historic District
- Local Historic Districts
- Pending AOD Approval (2016 Special TM)



0 500 1,000 Feet



Date: 12/20/2016

Prepared by Duxbury Planning Department

Proposed Local Historic District Name Stetson Place	Address 44 Stetson Place	Owner Duxbury Capital Partners, Partnership	Parcel ID - MBLU 119 030 001
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The Town of Duxbury makes no claim, an approximation, and no warranty, as to the accuracy of the information or the accuracy of the data used in the creation of this map. The user of this map shall be responsible for any errors or omissions. The user of this map, in any case, shall assume total and complete responsibility for any and all uses of this map or information.

**ARTICLE \_\_\_\_\_**  
**PROPOSED LOCAL**  
**HISTORIC DISTRICTS:**  
**WASHINGTON STREET**  
**LOCAL HISTORIC DISTRICT**



Proposed Local Historic District Name	Address	Owner	Parcel ID MBLU
Washington Street	338 and 265 Washington Street	Mauck & Sons Holdings	130 177 601
Washington Street	261 Washington Street	Mauck Family Trust	130 172 600
Washington Street	338 Washington Street	Mauck Family Trust	130 083 600



Date: 12/20/2016

Prepared by Duxbury Planning Department

;or take any other action in relation thereto.

**Explanation:** The Duxbury Local Historic District Commission is proposing the creation of nine (9) new Local Historic Districts as described in the preceding table and map. The districts are each comprised of sole residences within Duxbury, whose owners have volunteered their property into this process as a mechanism to preserve the historic integrity of their homes, which in turn helps to preserve the historic fabric of Duxbury. Each district will be established and maintained per the Local Historic District Bylaw.

A two thirds vote of Town Meeting will be required to approve this article.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Vote – Available at Town Meeting*

**ARTICLE 46 – AMEND ZONING BY-LAWS - ARTICLE 600 - DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS - 609.2 DEFINITIONS**

To see if the Town will amend the Duxbury Zoning Bylaws (the Protective Bylaw of the Town of Duxbury) Section 609.2 entitled “Definitions,” to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

609.2 Definitions

Demolition

The intentional act of pulling down, destroying, removing, or razing a building or structure or commencing the work of total or substantial destruction with intent of completing same.

Regulated Buildings or Structures

The provisions of this Bylaw shall apply only to buildings or structures which in whole or in part were built seventy-five (75) years or more prior to the date of the application for a demolition permit and are:

- a) Listed or eligible to be listed on the National Register of Historic Places, or on the State Register of Historic Places; or
- b) Associated with one or more historic persons or events, or with broad architectural, cultural, economic, political or social history of the Town; or
- c) Historically or architecturally significant in terms of period style, method of building construction or association with a significant architect or builder either by itself or as part of a group of buildings.

A decision by the Commission is made in relation to the party filing the application only, is nontransferable, and expires two years from the date of the decision. If demolition has not occurred prior to the expiration of the decision, a new application for a demolition permit must be filed prior to any subsequent demolition.

; or take any other action in relation thereto.

**Explanation:** The Duxbury Historical Commission believes that by adding the restriction on transfer of ownership to a new owner and a firm expiration date for the demolition permit, this change could strengthen the bylaw by ensuring that a structure which has been threatened and saved once could be saved again when threatened once more.

A two thirds vote of Town Meeting will be required to approve this article.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

**ARTICLE 47 – AMEND ZONING BY-LAWS - ARTICLE 600 - DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS - 609.3 PROCEDURES**

To see if the Town will amend the Duxbury Zoning Bylaws (the Protective Bylaw of the Town of Duxbury) Section 609.3 entitled “Procedures,” to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

609.3 Procedures

No permit for the demolition of any building or structure shall be issued other than in conformity with this Bylaw. Upon receipt of an application for a demolition permit, the Zoning Enforcement Officer shall forward a copy to the Historical Commission and to the Planning Director.

Within thirty (30) business days of receipt of the application from the Zoning Enforcement Officer to the Commission, the Commission shall make a determination whether or not the building or structure is a “regulated building or structure.” If the Commission determines that the building or structure is not regulated by this Bylaw, it shall sign the permit immediately and forward it to the Zoning Enforcement Officer who shall issue the permit.

If the Commission determines that the building or structure is regulated by this Bylaw, it shall review the application for demolition at a public hearing to be held within twenty (20) business days of determining that the building or structure is a regulated building or structure. The Commission shall publish a notice of the hearing in a newspaper of local circulation during each of the two weeks preceding the date of the public hearing, noting the date, location and subject of the hearing. Such notice shall be paid for by the applicant for a demolition permit. The Commission shall also mail, certified return receipt, a copy of said notice to the applicant, and, by regular mail, to the owners of all properties within three hundred (300’) feet of the regulated building’s or structure’s property as they appear on the most recent real estate tax list of the Board of Assessors; and the Planning Board.

No less than ten (10) business days after the public hearing on the demolition permit, the Commission shall make its determination and notify the applicant in writing stating its reasons with a copy to the Zoning Enforcement Officer and Planning Director.

If a determination is made that the building or structure is historically significant meeting one of the three criteria of a “regulated building or structure,” the Zoning Enforcement Officer shall not

issue a demolition permit for a period of ~~six (6)~~ twelve (12) months from the date of notification to the Zoning Enforcement Officer.

Once the Commission determines the building or structure is historically significant and demolition should be delayed, the Commission shall invite the owner of record of the building, the Zoning Enforcement Officer, the Planning Director, and a representative of the Design Review Board to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building or structure; utilization of financial incentives to rehabilitate the building or structure; seeking new owners willing to purchase and preserve, restore or rehabilitate the building or structure, or moving the building or structure.

The Zoning Enforcement Officer may issue a demolition permit prior to the expiration of the ~~six (6)~~ twelve (12) month period after receiving written notice from the Commission that:

- a) The Commission is satisfied that there is no reasonable likelihood that either the owner of some other person or group is willing to purchase, preserve, rehabilitate, restore or relocate such building or structure; or
- b) The Commission is satisfied that the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore or relocate the subject building or structure, and that such efforts have been unsuccessful. These efforts could include, but not be limited to, listing the building with a realtor or realtors, advertising in local general circulation newspapers; and advertising in one Boston general circulation newspaper; or
- c) The applicant has agreed to accept specific conditions approved by the Commission.

In an emergency, nothing in this Bylaw shall prohibit the Zoning Enforcement Officer from exercising the authority of G. L. c. 143, but the Zoning Enforcement Officer shall make every reasonable effort to inform the Commission of his actions in such an emergency.

; or take any other action in relation thereto.

Proposed by the Historical Commission

**Explanation:** The Duxbury Historical Commission believes that the existing 6 month delay has proven to be ineffectual and that 12 months would provide both a.) a longer period of time in which to identify and achieve alternatives to demolition, such as moving the structure, and b.) a greater incentive for developers and homeowners to invest in existing structures rather than tearing them down and building new. A delay period of 6 months was common when towns started adopting these bylaws, starting in the 1980s. As of November 2017, 150 towns have demolition delays. About 100 still have a 6 or 9 month delay. 42 towns have a 12 month delay. 10 have an 18 month delay, and a few have 24 months. Many of the towns surrounding Duxbury have a 12 month or longer delay.

A two thirds vote of Town Meeting will be required to approve this article.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

**AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT** by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3 of the Town of Duxbury General By-laws, seven (7) days before the time of holding said meeting.

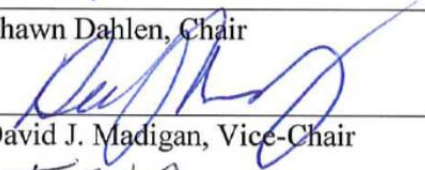
Hereof fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time and place of this meeting.

Given under our hands this 12<sup>th</sup> day of February, 2018.

**BOARD OF SELECTMEN**



Shawn Dahlen, Chair



David J. Madigan, Vice-Chair



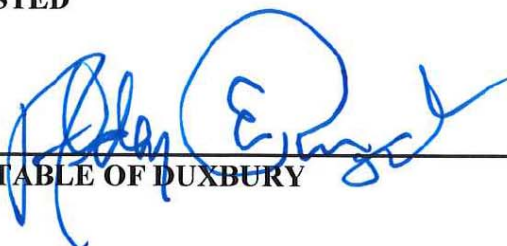
Theodore J. Flynn, Clerk

Plymouth ss:

FEBRUARY 21 2018, 2018

Pursuant to the warrant I have this day notified and warned the inhabitants of the Town of Duxbury, herein described, to meet at the time and place and for the purposes as described by the By-laws of the Town.

**A TRUE COPY  
ATTESTED**

  
\_\_\_\_\_  
CONSTABLE OF DUXBURY

## **TERMS USED IN MUNICIPAL FINANCE**

**APPROPRIATION:** An amount of money that has been authorized by vote of Town Meeting to be spent for a designated purpose.

**AVAILABLE FUNDS:** In Duxbury we use the term Available Funds when referring to the Stabilization Fund, Library funds, Cemetery funds, Free cash and continued appropriations left in Articles voted at previous Town Meetings.

**OVERLAY ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS:** The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate.

**FREE CASH, RETAINED EARNINGS OR FUND EQUITY (SURPLUS REVENUE):** This is the amount certified annually by the State Bureau of Accounts. Town Meeting may appropriate from these sources for any purpose.

**TRANSFER:** The authorization to use an appropriation for a different purpose, in most cases only the Town Meeting may authorize a transfer.

**RESERVE FUND:** The fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5 percent of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee and are for “extraordinary or unforeseen” situations, normally emergencies.

**STABILIZATION FUND:** This is a special reserve created for capital expenditures. The aggregate amount in this fund shall not exceed at any time 10 percent of the valuation in the preceding year. Money may be appropriated from the Fund only by a two-thirds vote at Town Meeting.

**CHERRY SHEET:** Also known as the State revenue distribution and assessment sheets. Named for the cherry colored paper on which the State traditionally printed it, the cherry sheet carries the figures which must be used by the Assessors in county tax and state assessments, as well as the estimated tax distributions from the State General Fund, reimbursements, agency funds, the Sales and Use Taxes, lottery distribution and State Aid to Education.

## Duxbury Talent Bank Form

Duxbury's excellence as a residential community is due in large part to citizen participation in government and community affairs. The Duxbury Talent Bank was established by the Selectmen and Town Moderator to register the names, interests and qualifications of Duxbury registered voters willing to volunteer to serve their community. Residents serve as volunteers on a wide variety of town boards, committees, commissions and councils listed below. They are appointed to these organizations by the Selectmen or the Moderator as vacancies occur.

The Selectmen and Moderator encourage you to register by completing this Talent Bank Form, indicating your occupation, background, areas of interest and organizations you would consider serving. Please return your completed form to: Board of Selectmen, Duxbury Town Hall, 878 Tremont Street, Duxbury, MA 02332

Please note that Talent Bank forms are kept on file for two (2) years.

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PHONE (H) \_\_\_\_\_ (C) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

Date of Submittal: \_\_\_\_\_ No. of Years in Duxbury: \_\_\_\_\_

Please attach additional sheet(s) providing background information, relevant experience(s) or resume, if available.

### Land Use & Conservation

- Agricultural Commission
- Alternative Energy Commission
- Community Preservation Committee
- Conservation Commission
- Design Review Board
- Duxbury Bay Management Commission
- Duxbury Beach Committee\*
- Open Space Committee
- Sidewalk & Bike Path Committee
- Zoning Board of Appeals

- Cemetery Trustees\*
- Council on Aging
- Cultural Council
- Duxbury Affordable Housing Trust
- Economic Advisory Committee
- Highway Safety Advisory Committee
- Historical Commission
- Local Historic District Comm.
- Municipal Comm. On Disability
- Nuclear Advisory Committee
- Personnel Board\*
- Shellfish Advisory Committee
- Water & Sewer Advisory Board\*

### Recreational Activities

- Fourth of July Committee
- Recreation Activities Committee

### Finance

- Finance Committee\*
- Fiscal Advisory Committee\*

### Government

- Board of Health

Please indicate any other areas of interest

\_\_\_\_\_  
\_\_\_\_\_

\*Appointed by Town Moderator





