

COMMONWEALTH OF MASSACHUSETTS

TOWN OF DUXBURY

SPECIAL TOWN MEETING

WARRANT

MONDAY, NOVEMBER 8, 2021

AT 7:00 P.M.

DUXBURY SCHOOLS PERFORMING ARTS CENTER

73 ALDEN STREET

**Plymouth, SS
Greetings:**

To the Constable 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 MONDAY, the EIGHTH day of NOVEMBER, 2021, next, at 7:00 P.M. for a SPECIAL TOWN MEETING, for the transaction of any business that may legally come before said meeting:

ARTICLE 1 – CONSERVATION LAND PURCHASE – OLD CORDWOOD PATH

To see if the Town will, upon recommendation by the Community Preservation Committee, (a) authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, for conservation, open space, agricultural, water supply protection and passive recreation purposes, all or a portion of the parcels of land located on and off Old Cordwood Path and Enterprise Road, which parcels contain 64.43 acres, more or less, in the aggregate, are identified by the Duxbury Assessors as Parcels 086-015-006, 087-018-101, 087-020-003, and 087-020-001, and are a portion of the premises described in a deed recorded with the Plymouth County Registry of Deeds in Book 43957, Page 20, together with an agricultural easement on Assessors' Parcel 087-981-021 and water rights and delivery rights, which parcels shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of G.L. Chapter 40, Section 8C, and a right of first refusal and option to purchase the parcel of land located at 87 Old Cordwood Path (Parcel 087-018-103); (b) raise and appropriate, borrow, or transfer from the Community Preservation Fund, a sum of money for the purpose of funding said acquisition and 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 G.L. Chapter 44, Sections 7 or 8, G.L. Chapter 44B, Section 11, and/or any other enabling authority and to issue bonds or notes of the Town therefor, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with G.L. Chapter 44, Section 20, (c) to authorize the Board of Selectmen to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, G.L. Chapter 132A, Section 11 (now, so-called LAND grants), which grants and/or funds so received shall be used to repay all or a portion of the sum appropriated from the Community Preservation Fund hereunder, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition, (d) to authorize the Board of Selectmen to grant deed restrictions pursuant to the provisions of G.L. Chapter 184, Sections 31-33, in compliance with G.L. Chapter 44B, Section 12(a); and, further, (e) to authorize the Board of Selectmen and/or the Conservation Commission to enter into management agreements for up to ten years as may be necessary for the purposes of this Article, on terms deemed by the Board of Selectmen and/or the Conservation Commission to be in the best interest of the Town; 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 65 acres of land containing 27.5 acres of cranberry bogs, which is to be placed under the care and custody of the Conservation Commission and allow the Town to enter into a ten-year agreement to manage and operate the bog.

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

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 8-0 to Recommend

ARTICLE 2 – ENVIRONMENTAL ASSESSMENT OF THE FORMER DUXBURY LANDFILL INC./ MCNEIL DUMP PROPERTY

To see if the Town will vote to transfer from available funds, a sum of money to conduct an initial environmental assessment of the former Duxbury Landfill Inc./ McNeil Dump property on an

approximately 7- acre parcel of land located adjacent to the Duxbury Town Landfill and Transfer Station on Mayflower Street; or take any action in relation thereto.

Proposed by the DPW Director and Town Manager

Explanation: The purpose of this article is to fund an initial environmental assessment of the former Duxbury Landfill Inc. / McNeil Dump property. Historically the site was originally an excavation site and was subsequently utilized as an open dump from the 1940s to the 1970s. The Town previously acquired the site under tax title and would like to pursue closure under applicable Massachusetts Department of Environmental Protection (MassDEP) Regulations. The initial environmental assessment of the site will include the excavation of test pits, the advancement of soil borings, the installation of monitoring wells and soil gas wells, the collection of groundwater samples for laboratory analysis, and field screening of soil gas wells. The results of the initial assessment will be presented in an Initial Site Assessment Report and will provide baseline data. An additional assessment will likely be needed at a later date to ultimately support a landfill closure permitting and design effort.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend
Finance Committee Voted 8-0 to Recommend*

ARTICLE 3 – UNPAID BILLS

To see if the Town will transfer from available funds, a sum of money to pay unpaid bills of a previous year, as follows:

Line #	Vendor	Department	Amount
1	Robert Higgins	Water	\$425.00
2	John Hoadley & Sons, Inc.	Water	\$157.50
3	Plymouth County Sheriff’s Dept.	Lands & Natl. Resources	\$234.00
4	Glynn Electric	Facilities	\$388.00
5	Collari Automotive, Inc.	DPW	\$97.50
6	ENE Systems, Inc.	Facilities	\$281.00

; or take any action in relation thereto.

Proposed by the Town Manager

Explanation: These funds are needed to pay for bills received after the close of Fiscal Year 2021.

A 9/10th vote of Town Meeting is required to approve this article.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend
Finance Committee Voted 8-0 to Recommend*

ARTICLE 4 – SUPPLEMENTAL APPROPRIATIONS

To see if the Town will transfer from available funds, sums of money to supplement appropriations previously voted under Article 5 at the Annual Town Meeting of May 15, 2021 for the Fiscal Year beginning July 1, 2021, for various Town Departments; or take any action in relation thereto.

Proposed by the Finance Director/Town Manager

Explanation: The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY22) in order to fund a number of additional expenses associated with various Town Departments.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 8-0 to Recommend

ARTICLE 5 – CITIZENS' PETITION – 0 SUMMER STREET

To see if the Town will vote to authorize that town voters be granted the authority to defeat or approve plans set forth by the Conservation Commission pertaining to Conservation Land located at 0 Summer Street, containing 27.32 acres, more or less, and shown on a plan of land on file at the Office of the Town Clerk, owned by the Town of Duxbury/Conservation Commission and identified by Assessor's Reference 031-502-047, when said plans call for altering or clearing the land of trees or vegetation, or alters the nature or use of the land. Such authority would be exercised at future Town Meetings as necessary in response to articles proposed by the Community Preservation Commission/Conservation Commission or Citizen Petition.

This Conservation Land would continue to be under the custody, care, and control of the Conservation Commission and used only in ways allowed by the by-laws and regulations that govern Conservation Land use - including, but not limited to: conservation, protection of drinking water, wildlife habitat protection, agriculture, Open Space for passive recreation.

Furthermore, any plans previously approved to clear or alter the land such as tree removal shall be halted until such a time the voters have voted on said plans.

Explanation:

On September 7th, 2021 Duxbury Conservation Commission approved their Notice of Intent plan to deforest 10+ acres at the old Delorenzo Farm on Summer Street for the purpose of "restoration of former farmland". This NOI was triggered by their proposed work coming within protected buffer zones of vernal pools. Deforestation is expected to begin in 3-6 months - Winter 2021/22.

Delorenzo Farm was once a turkey farm, but has not been farmed for over 30 years. It has since become a dense forest wetlands, with small meadows and large vernal pools - vulnerable habitats for so many species. It is a wildlife refuge.

Chief Concerns:

- **DRINKING WATER** - The land is entirely contained in an Aquifer Protection Overlay District and our Town prohibits using herbicides and pesticides typically used for agricultural purposes in this District without Special Permit granted by the ZBA. A permit has not been granted for this parcel. Some might argue the negative impact would be mitigated through best practices but, inarguably, the safest decision to protect our drinking water on Conservation Land is to LEAVE NATURE ALONE - to not tear down habitat and add industry which introduce pesticides, fertilizers, or other chemicals to the system.
- **COST to TAXPAYERS** - The cost to deforest 10 acres is estimated to be approximately \$75,000 and the Town does not expect to receive payback on these and future expenditures for farm use.

The Conservation Commission plans to long- term lease the property to farming companies but no specific contracts have been awarded.

- CONSERVATION - Deforestation is premature in this case. Climate and wildlife habitat protection must be factored. Because once done, it cannot be undone. Furthermore, the Conservation Commission plans to deforest this area for future agricultural purposes but has not identified a use or obtained a Special Permit required for agricultural use in an Aquifer Protection Overlay District.

There is much to consider and discuss. There are issues of “Can we?” and issues of “Should we?”. Proper time is needed to make a decision that reflects our community needs, goals, and values.

There are exciting possibilities in this conservation land.

For now - halt any tree clearing plans, put conservation first, and have voters decide how the land is to be used at Town Meeting.

***Recommendations: Board of Selectmen Voted 0-4 to Recommend
Finance Committee Voted 0-7-1 to Recommend***

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 2.3.1 of the Town of Duxbury General By-laws, at least fourteen (14) 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 18th day of October, 2021.

BOARD OF SELECTMEN



Amy M. MacNab, Chair



Theodore J. Flynn, Member

Fernando Guitart, Vice Chair



Michael McGee, Member



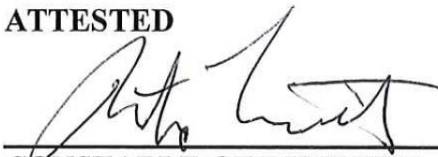
Cynthia Ladd Fiorini, Clerk

Plymouth ss:

October 19th, 2021

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