

Town of Duxbury

General By-laws

Revised 06-30-17

Section 5: Resolution of Disputes

Any person having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer.

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen may forward a copy of the grievance of the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within sixty days.

The Board of Health shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report on its recommendations to the Board of Health within an agreed upon time frame.

Section 6: Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Duxbury hereby declares the provisions of this By-law to be severable.

CHAPTER 12: LOCAL HISTORIC DISTRICT BYLAW

The Town of Duxbury hereby creates a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C, as amended.

12.1 Purpose

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Duxbury, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the historically significant architecture existing in the Local Historic District(s) when this Bylaw was first adopted in 2011. This Bylaw does not

seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage.

12.2 Definitions

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

“Alteration” or “To Alter”	The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition and other similar activities.
“Building”	A combination of materials forming a shelter for persons, animals or property.
“Certificate”	A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship.
“Commission”	The Historic District Commission as established by this Bylaw.
“Construct” or “To Construct”	The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
“Display Area”	The total surface area of a Sign, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the Sign. The Display Area of an individual letter Sign or irregular shaped Sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where Sign faces are placed back to back and face in opposite directions, the Display Area shall be defined as the area of one face of the Sign.
“District”	The Local Historic District as established through this Bylaw consisting of one or more District areas, and as shown on the most current Official Local Historic District Map of the Town of Duxbury.
“Exterior Architectural Feature”	Such portion of the exterior of a Building or Structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior

building materials, and the type and style of windows, doors, lights, Signs and other appurtenant exterior fixtures.

“Official Local Historic District Map of the Town of Duxbury” The map showing the Districts as established through this Bylaw, and as may be amended from time to time. The delineation of the District boundaries are based on the parcel boundaries in existence and shown thereon at the time of adoption.

“Person Aggrieved” The applicant; an owner of adjoining property; an owner of property within the same historic district as the property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings or districts.

“Signs” Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

“Structure” A combination of materials other than a Building, including but not limited to a Sign, fence, wall, terrace, walk or driveway.

“Substantially at Grade Level” Located at the existing or altered surface of the earth or pavement which does not/will not exceed one foot in height above the surface of the earth or pavement.

“Temporary Structure or Building” A Building not to be in existence for a period of more than two years. A Structure not to be in existence for a period of more than one year.

12.3 District

The District shall consist of one or more District areas as established through this Bylaw, and as shown on the Official Local Historic District Map as may be amended from time to time through this Bylaw, hereby made part of this General By-Laws of the Town of Duxbury Chapter 12 Local Historic Districts.

12.4 Commission

12.4.1 The Commission shall consist of five (5) regular members appointed by the Board of Selectmen. When the Commission is first established, two

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members shall be appointed for one year, two members shall be appointed for two years, and one member shall be appointed for three years. Successors shall each be appointed for terms of three years. Vacancies shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term. All members shall serve without compensation. Three members of the Commission shall constitute a quorum.

12.4.2 The Commission shall include among its regular or alternate members, if practical, a Duxbury property owner who resides in each District containing more than one property owner, one Duxbury resident chosen from two nominees put forward by the Board of Realtors covering Duxbury, one Duxbury resident chosen from two nominees put forward by the chapter of the American Institute of Architects covering Duxbury, and one Duxbury resident chosen from two nominees put forward by the Duxbury Rural and Historical Society. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

12.4.3 The Board of Selectmen may at its sole discretion, appoint up to a maximum of four (4) alternate members to the Commission for three (3) year terms. The available alternate members with the longest continuous length of service as an alternate may be substituted and vote on a one for one basis, in place of any regular member(s) who may be absent or has/have an actual or apparent conflict of interest, or in the case of a vacancy in the regular memberships.

12.4.4 Each member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

12.4.5 Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations.

12.4.6 A quorum is necessary for the Commission to conduct a meeting. At least three (3) members of the Commission (or Alternate Members with voting rights as to a matter(s) under consideration) must be present.

12.5. Commission Powers and Duties

12.5.1 The Commission shall exercise its powers in administering and regulating the Construction and Alteration of any Structures or Buildings within the District as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each Building, Structure and District area.

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- 12.5.2 The Commission, after public hearing, may by vote of two thirds (2/3rds) of its regular members (not to include alternate members) from time to time adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for Certificates, hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk. Fees for all Commission matters shall be set by the Board of Selectmen.
- 12.5.3 The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Duxbury, may adopt and from time to time amend guidelines which set forth the designs for certain Exterior Architectural Features which will meet the requirements of the District. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.
- 12.5.4 The Commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.
- 12.5.5 The Commission shall keep a permanent public record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.
- 12.5.6 The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District.

12.6. Alterations and Construction Prohibited Without Certificate

- 12.6.1 No Building or Structure, or any part thereof, which is within a District shall be Constructed or Altered in any way which affects the Exterior Architectural Features visible to the unaided eye from any point of the public way on which the underlying lot or property has frontage, viewed from a point that is no closer to the Building or Structure than the closest edge of pavement, or paved sidewalk if any, unless the Commission shall have first issued a Certificate with respect to such Construction or Alteration, except as this Bylaw otherwise provides.
- 12.6.2 No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within a District and no demolition permit for demolition or removal of a Building or Structure within a District shall be issued by the Town or any department thereof until a Certificate as required under this Bylaw has been issued by the Commission.

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12.7. Procedures for Review of Applications

- 12.7.1 Any person who desires to obtain a Certificate from the Commission shall file with the Town Clerk and the Commission an application for a Certificate of Appropriateness or non-Applicability or of Hardship as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.
- 12.7.2 The Commission may appoint one of its members to initially screen applications for Certificates to informally determine whether any application includes and/or is submitted with sufficient information upon which the Commission may reasonably take its required actions. Within fourteen (14) days following the first filing of an application for a Certificate with the Town Clerk, the Commission, at an otherwise appropriately convened meeting, or its appointee may determine without need for a public hearing that insufficient information has been provided, in which case the application may be once returned to the submitting party, with written advice as to what was considered to be lacking, and the applicant will then thereafter be required to re-file the application before any further Commission action is required. Any second filing of essentially the same application must be formally acted upon by the Commission as is otherwise provided in this Bylaw.
- 12.7.3 The Commission shall determine within fourteen (14) days of the filing of an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.
- 12.7.4 If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature which is not subject to review by the Commission under the provisions of this Bylaw, the Commission shall forthwith issue a Certificate of Non-Applicability.
- 12.7.5 If the Commission determines that such an application involves any Exterior Architectural Feature subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The Commission shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting

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in a conspicuous place in Town Hall and in a newspaper of general circulation in Duxbury. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice.

- 12.7.6 A public hearing on an application for a Certificate need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a Certificate may be waived by the Commission if the Commission determines that the Exterior Architectural Feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing. If the Commission dispenses with a public hearing on an application for a Certificate, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the Commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.
- 12.7.7 The Commission shall grant a Certificate, or issue a written decision, within sixty (60) days from the date the pertinent application was filed (or re-filed in the event the application was once returned for lack of information), unless the applicant consents in writing to a specific enlargement of time by which such an issuance may occur. In the absence of any such enlargement of time, should an issuance not be forthcoming within the prescribed time, the applicant is entitled as of right to a Certificate of Hardship.
- 12.7.8 If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.

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- 12.7.9 By the concurring vote of at least three members who were present throughout any relevant public hearing and the Commission's discussion leading up to its finding, the Commission must adopt a specific written findings setting forth the basis on which it was initially determined that the application in question involved an Exterior Architectural Feature subject to approval by the Commission and may then:
- A. Grant an appropriate Certificate for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property; or
 - B. Grant an appropriate Certificate for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property, with conditions and limitations requiring architectural or plan modifications as to those matters not excluded under Section 9 of this Bylaw which are within the Commission's review jurisdiction; or
 - C. Deny the application with a written statement of the basis for the denial, at which time it may provide written recommendations for changes not excluded from the jurisdiction of the Commission by Section 9 of this Bylaw which, in a subsequent application, might be acceptable to the Commission; or
 - D. Deny the application with a fact specific written statement of the basis for the denial without further recommendations, if essentially the same application has previously been the subject of a prior denial accompanied by written recommendations pursuant to sub-paragraph 7.7C above.
- 12.7.10 Should the Commission, during the course of reviewing an application, find that it does not have review jurisdiction under this Bylaw it shall make an appropriate finding of Non-Applicability.
- 12.7.11 Each Certificate or written decision upon an application by the Commission shall be dated and Signed by the Chairperson or such other person as the Commission may designate and shall be deemed issued upon filing with the Town Clerk.
- 12.7.12 Each Certificate or written decision upon an application by the Commission shall be promptly served on the applicant by the Town Clerk who shall promptly forward a copy thereof to the applicant at the address shown on the application, by first class mail, postage prepaid, and a copy shall be further provided to the Building Commissioner, Planning Board and Board of Selectmen.
- 12.7.13 Nothing contained in this bylaw shall be deemed to preclude any person contemplating construction or alteration of a Building or Structure within a District from consulting informally with the Commission before submitting any application referred to in this bylaw on any matter which might possibly be within the scope of the Bylaw, and such informal consultations are in fact

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encouraged. Nothing contained in this bylaw shall be deemed to preclude the Commission from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the Commission shall not be deemed to set a precedent nor in any way limit the Commission in the exercise of its functions under this bylaw.

12.8. Criteria for Determinations

- 12.8.1 In deliberating on applications for Certificates, the Commission shall consider, among other things, the historic and architectural value and significance of the site, Building or Structure; the general design, proportions, detailing, mass, arrangement, texture, and material of the Exterior Architectural Features involved; and the relation of such Exterior Architectural Features to similar features of Buildings and Structures in the surrounding area.
- 12.8.2 In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape and proportion of the Buildings or Structure both in relation to the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw, however, such requirements shall not further limit the maximum floor area ratio and height of a Building as defined and permitted in the Duxbury Zoning Bylaw.
- 12.8.3 When ruling on applications for Certificates on solar energy systems as defined in Section 1A of Chapter 40A, the Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.
- 12.8.4 The Commission shall not consider interior arrangements or architectural features not subject to public view.
- 12.8.5 The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the District.
- 12.8.6 The Commission may impose requirements on the screening and location of above ground features of septage systems. Such requirements shall not conflict with requirements of the Duxbury Board of Health.

12.9. Exclusions

- 12.9.1 The Commission's review jurisdiction shall not include the following:
 - A. Temporary Buildings, Structures, seasonal decorations or Signs

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subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify.

- B. Terraces, walks, patios, driveways, sidewalks and similar Structures, provided that any such Structure is Substantially at Grade Level.
- C. The number of the residents' personally owned or leased and regularly used motor vehicles which may be routinely parked within the boundaries of a residential property.
- D. Storm windows and doors, screen windows and doors, and window air conditioners.
- E. The color of paint applied to the exterior surfaces of Buildings or Structures.
- F. The color of materials used on roofs.
- G. Signs of not more than two (2) square feet in Display Area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such Sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one Sign in connection with the nonresidential use of each Building or Structure which is not more than six (6) square feet in Display Area, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.
- H. The reconstruction, substantially similar in exterior design, of a Building, Structure or Exterior Architectural Feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- I. The point of access served by handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L c.22 s13A.

12.9.2 Nothing in this Bylaw shall be construed to prevent the following;

- A. Ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or the outward appearance thereof.
- B. Landscaping with plants, trees or shrubs.
- C. The meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe, unhealthful or dangerous condition.
- D. Any Construction or Alteration under a permit duly issued prior to the effective date of this Bylaw.
- E. Upon request the Commission shall issue a Certificate of Non-Applicability with respect to Construction or Alteration in any category not subject to review by the Commission in accordance with the above provisions.

12.10. Categorical Approval

- 12.10.1 The Commission may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Duxbury, that certain categories of Exterior Architectural Features, Structures or Buildings under certain conditions may be Constructed or Altered without review by the Commission without causing substantial derogation from the intent and purpose of this Bylaw.

12.11. Enforcement and Penalties

- 12.11.1 No Alteration or Construction of any Building or Structure wholly or partially in a District for which a Certificate is required by this Bylaw shall deviate from the terms and conditions of such a Certificate.
- 12.11.2 The Building Commissioner of the Town of Duxbury shall enforce this Bylaw upon a determination by the Commission that a violation exists, and subject to the approval of the Town Manager, may institute proceedings in Superior Court pursuant to M.G.L. c.40C §13 for injunctive or other relief and/or imposition of fines.
- 12.11.3 The Commission, upon a written complaint challenging some enforcement action by the Building Commissioner, received by the Town Clerk within five (5) days following such decision, by a Person Aggrieved, or other citizen of or property owner in the Town of Duxbury, shall hold a timely public hearing to determine whether or not the Building Commissioner's action should be upheld, in whole or in part.
- 12.11.4 Whoever violates any of the provisions of this By-law shall be punishable by a fine of not less than \$10.00 nor more than \$300.00 for each offense under the provisions of M.G.L. Chapter 40C, Section 13. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

12.12 Appeals

- 12.12.1 An appeal of a determination of the Commission, except as to the propriety of a decision to invoke the provisions of M.G.L. c. 40C § 13 (institution of an action in Superior Court) by the Building Commissioner, may be taken by a Person Aggrieved by filing a written request with the Town Clerk, acting as an agent of the Commission, within twenty (20) days of the issuance of a Certificate or a disapproval. In the event of such an appeal, the Duxbury Town Manager, or his delegate, shall make a timely request to the Metropolitan Area Planning Council that it promptly designate an arbitrator(s) with competence and experience in such matters to hear such an

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appeal. If such a person(s) is/are so designated he/she/they must hear the appeal in a timely manner and issue a written decision within forty-five (45) days of the request as specified in M.G.L. c. 40C § 12. The arbitration decision shall be binding on the parties, unless a Complaint seeking a further appeal is filed in Superior Court within twenty (20) days from the filing of the arbitration decision with the Town Clerk, pursuant to M.G.L. c. 40C § 12A.

12.13. Validity and Separability

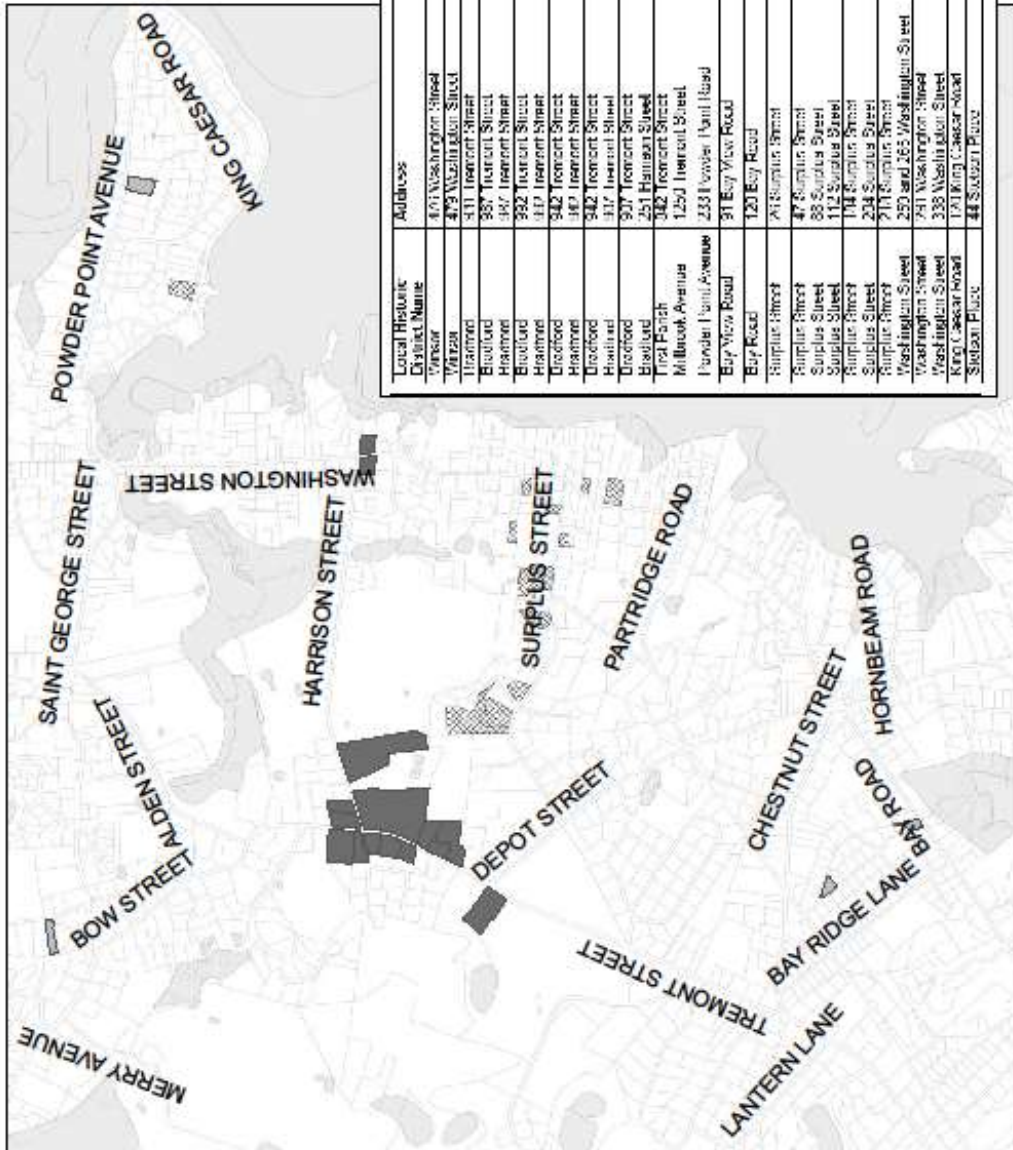
- 12.13.1 The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

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TOWN OF DUXBURY OFFICIAL
LOCAL HISTORIC DISTRICT MAP
PER DUXBURY GENERAL BY-LAWS
CHAPTER 12

Legend

- Local Historic Districts
- Pending AGO Approval (2016 Special TM)
- Proposed Historic Districts
- Proposed Historic Districts



Local Historic District Name	Addresses	Parcel ID / MBLU	Town Meeting Action
Wagon	473 Washington Street	111-0001124-4	2011 SF July 2, 2011
Wagon	473 Washington Street	118-1397-000	2011 SF July 2, 2011
Wagon	411 Tremont Street	107-004-100	2011 SF July 2, 2011
Blackford	331 Tremont Street	107-003-000	2011 SF July 2, 2011
Blackford	331 Tremont Street	107-003-100	2011 SF July 2, 2011
Blackford	332 Tremont Street	107-002-000	2011 SF July 2, 2011
Blackford	317 Tremont Street	107-002-100	2011 SF July 2, 2011
Blackford	342 Tremont Street	107-004-000	2011 SF July 2, 2011
Blackford	342 Tremont Street	107-004-100	2011 SF July 2, 2011
Blackford	317 Tremont Street	107-004-000	2011 SF July 2, 2011
Blackford	317 Tremont Street	107-004-100	2011 SF July 2, 2011
Blackford	307 Tremont Street	106-004-000	2011 SF July 2, 2011
Blackford	307 Tremont Street	106-004-100	2011 SF July 2, 2011
First Parish	1251 Tremont Street	055-203-000	2011 SF July 2, 2011
First Parish	1251 Tremont Street	055-203-100	2011 SF July 2, 2011
Milbrook Avenue	1251 Tremont Street	055-044-000	Special 2016 off
Milbrook Avenue	233 Powder Mill Road	134-102-000	Special 2016 off
Bay View Road	31 Bay View Road	110-005-004	Special 2016 off
Bay Road	120 Bay Road	111-005-036	Special 2016 off
Surplus Street	21 Surplus Street	119-100-100	Proposed 2017 ATW
Surplus Street	47 Surplus Street	119-100-100	Proposed 2017 ATW
Surplus Street	83 Surplus Street	119-001-000	Proposed 2017 ATW
Surplus Street	112 Surplus Street	111-888-000	Proposed 2017 ATW
Surplus Street	112 Surplus Street	111-888-100	Proposed 2017 ATW
Surplus Street	204 Surplus Street	108-064-000	Proposed 2017 ATW
Surplus Street	211 Surplus Street	108-064-100	Proposed 2017 ATW
Washington Street	250 and 265 Washington Street	120-100-000	Proposed 2017 ATW
Washington Street	241 Washington Street	120-100-100	Proposed 2017 ATW
Washington Street	338 Washington Street	112-003-000	Proposed 2017 ATW
King Caesar Road	120 King Caesar Road	134-104-000	Proposed 2017 ATW
Stetson Place	44 Stetson Place	112-080-000	Proposed 2017 ATW



Date: 12/20/2016

Prepared by Duxbury Planning Department

Alden House - In the early 1960s, the town discovered the cellar hole to the original Alden House during excavations to construct the public schools and fields. The site has been, marked, maintained and is now a National Historic Landmark through the US Department of the Interior. The Alden House is now located at 105 Alden Street. In 1966, the cellar hole site was voted by Town Meeting to be considered a Local Historic District.

The Town of Duxbury, Massachusetts, is pleased to provide this information to the public. It is the policy of the Town of Duxbury to make this information available to the public. This information is provided for informational purposes only and does not constitute a warranty or any other form of insurance. The Town of Duxbury is not responsible for any errors or omissions in this information.



CHAPTER 13: PLASTIC BAG BAN

13.1 DEFINITIONS

“Carryout Bag” A Carryout Bag is plastic bag with a thickness of film of less than 3 mils. Carryout Bags do not include bags typically used to contain dry cleaning, newspapers, and small bags to contain fish, meats, or produce.

“Reusable Carryout Bag” A Reusable Carryout Bag means one that satisfies all of the following requirements:

1. It is made solely of or in a combination of natural cloths, synthetic fibers, other washable material; or of a non-toxic plastic (as defined by applicable state and federal regulations) that is no less than 3 mils thick; and
2. It is specifically designed for reuse.

“Recyclable Paper Bag” A Recyclable Paper Bag means a bag that is:

1. 100% recyclable; and
2. contains at least 40% post-consumer recycled paper content.

“Establishment” An Establishment means any business selling goods, articles, or personal services to the public, including but not limited to restaurants.

13.2 FINDINGS, PURPOSE AND DECLARATION

Purpose. The purpose of this bylaw is:

1. To help lessen the deterioration of the environment;
2. To further educate the public regarding the importance of using biodegradable materials;
3. To provide additional enforcement to protect public and private property from litter; *and*
4. To encourage the use of Reusable Carryout Bags and thereby decrease plastic waste.