## PLEASE READ ARTICLES IN THE WARRANT FOR THE

#### ANNUAL TOWN MEETING



#### TOWN OF DUXBURY

#### SATURDAY, MARCH 11, 2017 AT 9:00 A.M.

#### 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 11, 2017. 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 11, 2017

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 eleventh day of March, 2017 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 25, 2017

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; two SCHOOL COMMITTEE members for a term of three years; one PLANNING BOARD MEMBER 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 5-0 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, 2017, in accordance with M.G.L. Chapter 41, Section 108, or take any action in relation thereto.

Proposed by the Board of Selectmen

				Finance
			BOS	Committee
	Appropriated	Requested	Recommended	Recommended
	FY17	FY18	FY18	FY18
Moderator	\$40	\$40	\$40	\$40
Selectmen				
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
Assessors				
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
Town Clerk	\$70,000	\$72,500	\$72,500	\$72,500
TOTAL	\$75,040	\$82,540	\$77,540	\$82,540

<sup>\* =</sup> 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 5-0 to Recommend

#### <u>ARTICLE 4 – PERSONNEL PLAN AMENDMENTS</u>

To see if the Town will amend the Town By-law, known as the "Duxbury Personnel Plan", as originally accepted on March 12, 1955, and last amended as of March 12, 2016, by replacing it with a new revised By-law, a copy of which is on file in the Town Clerk's Office, to become effective July 1, 2017, and to raise and appropriate, and/or transfer from available funds, such sums of money as are necessary to implement the Personnel Plan and provide funding for other salary compensation not a part of the Personnel Plan, or take any action in relation thereto.

Proposed by the Personnel Board/Board of Selectmen

**Explanation:** This article is known as the "Personnel Article" and is presented annually at Town Meeting. The Personnel Plan's purpose is to provide guidelines to ensure that sound human resources practices are applied equitably and reasonably to those managers, department heads and other employees covered by the Plan. Generally speaking, the Plan covers appointed employees not covered by union contracts. This article is also the annual funding of the Personnel Plan. This appropriation covers personnel items not included in the Operating Budget such as tuition reimbursement for non-union employees, merit increases for FY2017, and any adjustments to compensation that are necessary during the fiscal year.

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

#### **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, 2017 and ending June 30, 2018 inclusive, in accordance with the following schedule, which is incorporated by reference herein (see Article 5 FY18 Operating Budget on following pages), or take any action in relation thereto.

Proposed by the Finance Committee

**Explanation:** This article refers to the FY 2018 Annual Budget lines. (*Please see the proposed FY 2018 budget on the following pages.*)

LINE #	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
	GENERAL GOVERNMENT				
	GENERAL GOVERNMENT				
	113 - Town Meeting				
1	Expenses	3,650	3,650	3,650	3,650
	114 – Moderator				
2	Salaries	40	40	40	40
	122 - Selectman/Manager				
3	Salaries	242,282	264,330	264,330	264,330
4	Expenses	12,985	12,786	12,786	12,786
	129 - Historical Commission				
5	Expenses	2,040	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 Salaries	341,020	358,323	358,323	358,323
9	Expenses	11,100	12,235	12,235	12,235
	100 1 11				
10	136 – Audit Expenses	46,800	48,000	48,000	48,000
	141 – Assessors				
11	Salaries	219,790	228,132	228,132	228,132
12	Expenses	21,500	24,500	24,500	24,500
	145 - Treasurer/Collector				
13	Salaries	265,845	260,703	260,703	260,703
14	Expenses	57,268	58,435	58,435	58,435

LINE#	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
	151 - Legal Services				
15	Expenses	280,000	275,000	275,000	275,000
	150 H				
	152 - Human Resources	110.10.	440.444	110.111	
16	Salaries	119,635	119,116	119,116	119,116
17	Expenses	35,110	49,380	49,380	49,380
	155 - Information Systems				
18	Salaries	153,980	156,920	156,920	156,920
19	Expenses	289,500	296,900	296,900	296,900
	156 - Public Television Access Services				
20	Expenses	0	272,500	272,500	272,500
	158 - Tax Title				
21		0.000	0.000	0.000	0.000
21	Expenses	8,000	8,000	8,000	8,000
	161 - Town Clerk				
22	Salaries	142,363	140,505	140,505	140,505
23	Expenses	63,655	25,725	27,725	27,725
	171 - Conservation Commission				
24	Salaries	134,248	140,516	140,516	140,516
25	Expenses	12,413	13,435	13,435	13,435
	175 - Planning Board				
26	Salaries	103,710	155,684	105,684	105,684
27	Expenses	8,650	12,250	12,250	12,250
	107 F 1111 M				
20	197 - Facilities Management	210.207	210.002	210.002	210.000
28	Salaries	210,287	218,893	218,893	218,893
29	Expenses	119,880	143,050	143,050	143,050
	Sub-Total: General Government	2,906,201	3,028,008	3,252,508	3,252,508

LINE #	DEPARTMENT	FY 2017	FY 2018	FY 2018	FY 2018
		BUDGET	DEPT. REQ.	TOWN MGR	FIN COMM
	PUBLIC SAFETY				
	210 - Police				
30	Salaries	3,033,668	3,183,140	3,119,217	3,119,217
31	Expenses	378,967	394,320	394,320	394,320
	220 - Fire				
32	Salaries	2,876,095	2,694,790	2,694,790	2,694,790
33	Expenses	298,697	295,850	295,850	295,850
	299 - Regional Dispatch				
34	Salaries	0	484,335	530,463	530,463
35	Expenses	0	7,000	7,000	7,000
	241 - Municipal Services				
36	Salaries	439,304	501,974	494,615	494,615
37	Expenses	101,709	104,850	104,850	104,850
	295 - Harbor/Coastal Management				
38	Salaries	262,916	276,730	245,440	245,440
39	Expenses	31,200	49,150	49,150	49,150
	Sub-Total: Public Safety	7,422,556	7,992,139	7,935,695	7,935,695
	PUBLIC WORKS				
40	192 - Central Building Services	61,493	60,993	63,372	62 272
40	Salaries	203,400	185,200	185,200	63,372 185,200
41	Expenses	203,400	183,200	165,200	183,200
40	194 - Tarkiln Community Center	0.550	0.250	0.250	0.250
42	Expenses	9,550	9,350	9,350	9,350
4.5	292 - Animal Control				<b>-</b> 0.5:-
43	Salaries	79,426	79,915	79,915	79,915
44	Expenses	7,500	7,200	7,200	7,200

LINE #	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
	294 - Lands & Natural Resources				
45	Salaries	461,114	458,718	470,478	470,478
46	Expenses	47,000	51,500	51,500	51,500
	418 - Central Fuel Depot				
47	Expenses	303,000	282,500	282,500	282,500
	419 - DPW Administration				
48	Salaries	279,353	304,683	306,563	306,563
49	Expenses	56,650	54,650	54,650	54,650
	421 - Vehicle Maintenance				
50	Salaries	157,446	159,129	163,190	163,190
51	Expenses	120,500	147,100	147,100	147,100
	422 - Highway/Road Maintenance				
52	Salaries	469,945	474,120	492,256	492,256
53	Expenses	75,500	72,800	72,800	72,800
	423 - Snow and Ice				
54	Salaries	60,400	63,650	63,650	63,650
55	Expenses	111,000	115,000	115,000	115,000
	424 - Street Lights				
56	Expenses	37,000	48,000	48,000	48,000
	431 - Transfer Station				
57	Salaries	230,601	223,365	233,813	233,813
58	Expenses	517,700	674,500	674,500	674,500
	440 - Sewer				
59	Salaries	16,332	16,455	16,455	16,455
60	Expenses	236,000	238,100	238,100	238,100

LINE #	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
	401				
	491 - Cemetery	100.010	100 110	110.717	
61	Salaries	403,812	408,613	418,565	418,565
62	Expenses	224,950	226,400	226,400	226,400
	Sub-Total: DPW	4,169,672	4,361,941	4,420,557	4,420,557
	HUMAN SERVICES				
	541 - Council on Aging				
63	Salaries	396,878	430,014	418,400	418,400
64	Expenses	129,275	144,350	156,350	156,350
	543 - Veterans Services				
65	Salaries	25,030	25,530	25,530	25,530
66	Expenses	120,775	103,875	103,875	103,875
	840 - Ply. Cty. Coop. Ext.				
67	Expenses	400	500	500	500
	Sub-Total: Human Services	672,358	704,269	704,655	704,655
	LIBRARY & RECREATION				
	610 - Library				
68	Salaries	986,811	1,017,833	1,013,295	1,013,295
69	Expenses	321,788	345,755	345,755	345,755
	630 - Recreation				
70	Salaries	171,790	221,867	221,867	221,867
71	Expenses	850	3,330	3,330	3,330

LINE#	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
	631 - Percy Walker Pool				
72	Salaries	0	173,720	173,720	173,720
73	Expenses	0	133,839	133,839	133,839
	633 - Beach Life Guards				
74	Salaries	20,160	25,056	25,056	25,056
75	Expenses	1,500	2,650	2,650	2,650
	632 - North Hill Golf Course				
76	Expenses	1,500	1,500	1,500	1,500
	Sub-Total: Library & Recreation	1,504,399	1,925,550	1,921,012	1,921,012
	SCHOOLS				
	300 - Duxbury Schools - Operating Budget				
77	Salaries	26,885,316	27,063,048	27,752,754	27,752,754
78	Expenses	6,628,144	8,250,882	6,760,707	6,760,707
	310 - Duxbury Schools - Laptop Lease				
79	Expenses	300,000	300,000	300,000	300,000
	Sub-Total: School Direct Costs				
	TOWN & SCHOOL SHARED COSTS				
	EMPLOYEE BENEFITS				
80	916 - Medicare	550,000	600,000	600,000	600,000
81	915 - Life Insurance	12,000	12,000	12,000	12,000

LINE #	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
82	914 - Employee & Retiree Health Insurance	6,708,000	7,210,000	7,210,000	7,210,000
83	911 - Contributory Pensions	3,146,762	3,288,800	3,288,800	3,288,800
84	909 - Non-Contributory Pensions	20,000	20,000	20,000	20,000
85	945 - Workers Compensation	333,767	392,536	392,536	392,536
	Sub-Total: Employee Benefits	10,770,529	11,523,336	11,523,336	11,523,336
	OTHER SHARED COSTS				
86	945 - Fire, Liability, Insurance	481,363	485,613	485,613	485,613
87	132 - Reserve Fund	115,000	120,000	120,000	120,000
	Sub-Total: Liability Insurance/Reserve Fund	596,363	605,613	605,613	605,613
	DEBT SERVICE TOWN & SCHOOL				
88	710 - Principal Payments	5,707,518	5,841,558	5,841,558	5,841,558
89	751 - Interest on Bonded Debt	2,894,205	2,841,747	2,841,747	2,841,747
90	752 - Interest on Temporary Notes	80,000	10,000	10,000	10,000
91	753 - Bond Expense	10,000	10,000	10,000	10,000
	Sub-Total: Debt Service	8,691,723	8,703,305	8,703,305	8,703,305

LINE#	DEPARTMENT	FY 2017 BUDGET	FY 2018 DEPT. REQ.	FY 2018 TOWN MGR	FY 2018 FIN COMM
	OPERATING BUDGET - WATER				
	450 - Water				
92	Salaries	710,710	729,289	729,289	729,289
93	Expenses	973,828	1,146,955	1,146,955	1,146,955
	Sub-Total: Water Operations	1,684,538	1,876,244	1,876,244	1,876,244
	DEBT SERVICE WATER				
94	710 - Principal Payments	443,311	436,307	436,307	436,307
95	751 - Interest on Bonded Debt	75,409	64,700	64,700	64,700
96	752 - Interest on Temporary Notes	10,000	10,000	10,000	10,000
97	753 - Bond Expense	10,000	10,000	10,000	10,000
	Sub-Total: Water Debt	538,720	521,007	521,007	521,00
	OPERATING BUDGET - PERCY WALKER POOL				
	631 – Pool				
98	Salaries	205,379	0	0	(
99	Expenses	175,716	0	0	(
	Sub-Total: Percy Walker Pool Operations	381,095	0	0	
	TOTAL – ALL BUDGETS	73,151,614	76,855,342	76,277,393	76,277,393

#### **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 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 refers to the FY 2018 Capital Budget lines. (*Please see the proposed FY 2018 Capital Budget on the following pages.*)

	Articl	e 6 - Capital	Budget		
Line #	Project Requests	Fiscal 2018 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	GENERAL GOVERNMENT				
	To the Management of the Control of				
1	Facilities Management  Replace Windows Alden School - Phase III	110,000	110,000	110,000	110,000
1	Repair Alden Library Roof	110,000 25,000	110,000	110,000 25,000	110,000
2	Girl Scout House Interior/Exterior Renovations	ŕ	25,000	<i>'</i>	25,000
3		40,000	40,000	40,000	40,000
4	Rebuild Duxbury Free Library Chiller	65,000	65,000	65,000	65,000
5	Install Alden Library Dehumidification	20,000	20,000	20,000	20,000
	GENERAL GOVERNMENT TOTAL	260,000	260,000	260,000	260,000
	PUBLIC SAFETY				
	Police				
6	Replace Two (2) Unmarked Sedans	47,000	47,000	47,000	47,000
7	Purchase Protective Equipment	20,875	20,875	20,875	20,875
	Fire Department				
8	Replace Pumping Engine #3	700,000	700,000	700,000	700,000
9	Purchase Ambulance #3	279,000	279,000	279,000	279,000
	Harbormaster				
10	Replace 2010 Pick-up Truck #193	41,605	41,605	41,605	41,605
	PUBLIC SAFETY TOTAL	1,088,480	1,088,480	1,088,480	1,088,480
	PUBLIC WORKS				
	Lands & Natural Resources				
11	Keene Street Ballfield Well Exploration	30,000	30,000	30,000	30,000
12	Replace 2005 Chevrolet 3500 with Plow L-22	75,000	75,000	75,000	75,000
	Highway				
13	COA Parking Lot Repairs	15,000	15,000	15,000	15,000
14	Replace 2005 Dump Truck H-17	184,845	184,845	184,845	184,845
15	Replace 2004 Volvo L-60 Loader	184,275	184,275	184,275	184,275
16	Replace Asphalt Hot Box	34,104	34,104	34,104	34,104
	DEPARTMENT OF PUBLIC WORKS TOTAL	523,224	523,224	523,224	523,224

	Article 6 - Capital Budget						
Line #	Project Requests	Fiscal 2018 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation		
	HUMAN SERVICES						
	Council On Aging						
17	Senior Center Expansion Schematic Design	185,000	185,000	185,000	-		
	HUMAN SERVICES TOTAL	185,000	185,000	185,000	-		
	DUXBURY SCHOOLS						
18	Western Fiber Network Ring Closure	92,400	92,400	92,400	92,400		
19	Public Access TV	25,000	72,917	72,917	72,917		
	SCHOOL DEPARTMENT TOTAL	117,400	165,317	165,317	165,317		
	GENERAL FUND TOTAL	2,174,104	2,222,021	2,222,021	2,037,021		
	WATER ENTERPRISE FUND						
20	Replace 2011 3/4 Ton Utility Truck W-6	44,816	44,816	44,816	44,816		
21	Replace 2011 3/4 Ton Utility Truck W-1	44,816	44,816	44,816	44,816		
22	Replace Underground Service to Tremont St Well Site	120,000	120,000	120,000	120,000		
23	Rehabilitate Captains Hill Tank	900,000	900,000	900,000	900,000		
24	Pave Birch St Tank Access Road	27,480	27,480	27,480	27,480		
25	PCE Main Pipe Replacement Program	150,000	150,000	150,000	150,000		
26	System Rehabilitation	150,000	150,000	150,000	150,000		
27	Rehab Millbrook & Lakeshore Buildings (FM)	30,000	30,000	30,000	30,000		
	WATER ENTERPRISE FUND TOTAL	1,467,112	1,467,112	1,467,112	1,467,112		

#### <u>ARTICLE 7 – SMALL EQUIPMENT AND MINOR SERVICES</u>

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; or take any action in relation thereto.

Proposed by the Finance Director

**Explanation:** The purpose of this article is for the purpose of providing funding for items that do not either meet the definition of or the \$15,000 threshold for capital items contained in Article 6.

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

Article 7 - Small Equipment and Minor Services						
Line #	Project Requests	Fiscal 2018 Request	Town Manager Recommendation	Finance Committee Recommendation		
	GENERAL GOVERNMENT					
_	Information Systems					
1	Website Upgrade	14,000	14,000	14,000		
	GENERAL GOVERNMENT TOTAL	14,000	14,000	14,000		
	PUBLIC SAFETY					
	Police					
2	Purchase Advanced First Aid Kits (23)	4,561	4,561	4,561		
3	Install Admin & Training Rooms Dehumidification (FM)	5,000	5,000	5,000		
	Fire Department					
4	Purchase IV Infusion Pumps (2)	13,748	13,748	13,748		
	PUBLIC SAFETY TOTAL	23,309	23,309	23,309		

Article 7 - Small Equipment and Minor Services						
Line #	Project Requests	Fiscal 2018 Request	Town Manager Recommendation	Finance Committee Recommendation		
	PUBLIC WORKS					
	Lands & Natural Resources					
5	Rehabilitation of Train & Keene St Fields	10,000	10,000	10,000		
	Cemetery	0.000	0.000	0.000		
6	Repair & Stain Crematory Exterior (FM)	8,000	8,000	8,000		
	DEPARTMENT OF PUBLIC WORKS TOTAL	18,000	18,000	18,000		
	LIBRARY & RECREATION					
	Library					
7	Campus Entrance Curbing	7,850	7,850	7,850		
	North Hill Golf Course					
8	Replace Above Ground Fuel Depot	9,000	9,000	9,000		
	LIBRARY & RECREATION TOTAL	16,850	16,850	16,850		
	DUXBURY SCHOOLS					
9	Replace Chandler & Alden School LCD Projectors	14,521	14,521	14,521		
10	Replace Chandler Gym Skylights (32)(FM)	14,000	14,000	14,000		
11	Replace Alden Fire Exit Door (FM)	6,000	6,000	6,000		
12	Purchase Storage Unit (1) - Fieldhouse (FM)	7,500	7,500	7,500		
13	Softball Field Fence (FM)	7,000	7,000	7,000		
14	Replace Auto Scrubber 24" (FM)	8,000	8,000	8,000		
	SCHOOL DEPARTMENT TOTAL	57,021	57,021	57,021		
	GENERAL FUND TOTAL	129,180	129,180	129,180		

#### **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 collective bargaining agreements with any one or more of the following employee organizations for the fiscal year commencing July 1, 2017:

- 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 collective bargaining agreements for positions in each of the contracts to be noted in the motion made at Town Meeting.

Recommendations: Board of Selectmen Vote - Available at Town Meeting, if applicable

Finance Committee Vote – Available at Town Meeting, if applicable

#### <u>ARTICLE 9 – AMEND GENERAL BYLAWS - ESTABLISHMENT OF REVOLVING FUNDS</u>

To see if the Town will vote to amend the general by-laws of the Town by adding a new section to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies, or officers under Massachusetts General Laws Chapter 44, Section 53E½, as reflected below, or take any other action in relation thereto.

#### ARTICLE \_\_ - DEPARTMENTAL REVOLVING FUNDS

- 1. <u>Purpose</u>. This by-law establishes and authorizes revolving funds for use by specified Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
- 2. <u>Expenditure Limitations</u>. The specified department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law/ordinance without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund

- shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
- 3. <u>Interest</u>. Interest earned on monies credited to a revolving fund established by this bylaw/ordinance shall be credited to the General Fund.
- 4. <u>Procedures and Reports</u>. Except as provided in General Laws Chapter 44, § 53E½ and this by-law/ordinance, the laws, charter provisions, by-laws/ordinances, rules, regulations, policies or procedures that govern the receipt and custody of town/city monies and the expenditure and payment of town/city funds shall apply to the use of a revolving fund established and authorized by this by-law/ordinance. The town accountant/city auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant/city auditor provides the department, board, committee, agency or officer on appropriations made for its use.
- 5. Authorized Revolving Funds. The following table establishes:
  - A. Each revolving fund authorized for use by a town/city department, board, committee, agency or officer for Fiscal Year 2019 and all subsequent years;
  - B. The department or agency head, board, committee or officer authorized to spend from each fund;
  - C. The fees, charges and other monies charged and received by the department, board, committee; agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant/city auditor;
  - D. The expenses of the program or activity for which each fund may be used;
  - E. Any restrictions or conditions on expenditures from each fund; and
  - F. Any reporting or other requirements that apply to each fund.

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund
Senior Center	Director, Council on Aging	Senior Center program fees	Senior Center program operations	
Jaycox Tree Farm	Conservation Administrator	Revenues of Tree Farm	Supplies for Tree Farm	
Hazardous Materials Response	Fire Chief	Reimbursements allowed under MGL c. 21E for response to hazardous materials releases	Replacement, repair, and purchase of equipment and supplies and for administrative and firefighter wage expenses associated with fire operations and responses to hazardous materials incidents	
Regional Dispatch Services	Fire Chief	Charges for services	To provide regional dispatch services to member towns	

**Explanation:** Due to law change in the Municipal Modernization Act (St. 2016, c. 218, § 86), the Town must adopt a local by-law to establish revolving fund accounts typically established on an annual basis by Town Meeting. This by-law establishes and authorizes departmental revolving funds for use by certain Town departments, boards, committees, agencies, or officers in connection with programs or activities that generate fees, charges for services, or other receipts to support all or some of the expenses of those programs or activities beginning in FY2019. These revolving funds will continue to be governed by Massachusetts General Laws Chapter 44, Section 53E½. The Town need only establish these funds once, then in all subsequent years, Town Meeting will only be voting on spending limits associated with the revolving funds.

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

#### ARTICLE 10 – SPENDING LIMITS ON REVOLVING FUNDS

To see if the Town will re-authorize the four revolving accounts listed below, pursuant to M.G.L. Chapter 44, Section 53E½, for the following programs and purposes for FY2018, and further authorize that department receipts of such programs be credited to the respective revolving accounts to be expended without further appropriation by the officer designated in the table below not to exceed the FY 2018 dollar limit indicated in the table below:

Line	Revolving Fund	Purpose	Department Receipts   Expended under		FY 2018
				direction of:	Limit
1	Senior Center	Senior Center program	Senior Center program	Director, Council	\$175,000
		operations	fees	on Aging	
2	Jaycox Tree	Supplies for and operation of	Revenues of Tree	Conservation	\$20,000
	Farm	Tree Farm	Farm	Administrator	
3	Hazardous	Replacement, repair, and	Reimbursements	Fire Chief	\$50,000
	Materials	purchase of equipment and	allowed under MGL c.		
	Response	supplies and for administrative	21E for response to		
		and firefighter wage expenses	hazardous materials		
		associated with fire operations	releases		
		and responses to hazardous			
		materials incidents			
4	Regional	To provide regional dispatch	Charges for services	Fire Chief	\$150,000
	Dispatch	services to member towns			
	Services				

or take any other action in relation thereto.

Proposed by the Finance Director

**Explanation:** These revolving funds are required in order to receive and disburse funds generated through programs supported by such revolving funds for FY2018 until the new revolving fund by-law takes effect in FY2019 (assuming passage of the prior article). 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 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

#### **ARTICLE 11 - DUXBURY BEACH LEASE**

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 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 in the name and on behalf of the Town, for a period beginning on July 1, 2017, and ending June 30, 2018, on such terms and conditions as the Board of Selectmen may approve, 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, 2017 to June 30, 2018, for which the annual payment will be \$700,000.

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 5-0 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 5-0 to Recommend

#### **ARTICLE 13 - AMEND MARGERY PARCHER FUND USE**

To see if the Town will amend the uses for which the Margery Parcher Memorial Trust Fund can be used to include funding an annual beach party to occur on or around Labor Day weekend; or take any action in relation thereto.

Proposed by the 4<sup>th</sup> of July Committee

**Explanation**: During the November 23, 1987, Special Town Meeting, the voters established the Margery Parcher Memorial Trust Fund for the purpose of funding the Town of Duxbury's annual Fourth of July activities as directed by the Board of Selectmen on the advice of the Fourth of July Committee. That action resulted in the creation of the annual article which allocates funds to be used for Duxbury's Fourth of July parade and celebration. This article seeks to expand the use of those funds for the purpose of a Labor Day weekend party on Duxbury Beach. The reason for this proposed change is that, due to the

increase in the number of Piping Plovers on Duxbury Beach on/around the Fourth of July, Duxbury Beach is essentially not available for a beach party at that time. The current mechanism for spending the funds as directed by the Board of Selectmen on the advice of the Fourth of July Committee would remain unchanged. The estimated cost of the beach party ranges between from \$4,000 to 5,000 and the funds for this event will be solely derived through private donations, and NOT an appropriation from Town Meeting

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

#### <u>ARTICLE 14 - CITIZENS' PETITION - AMEND ZONING BY-LAWS - PROPOSED</u> BATTELLE WATERFRONT VILLAGE OVERLAY DISTRICT

To see if the Town will vote to amend the Protective Bylaw of the Town of Duxbury as amended through March 2016 by amending certain sections thereof, by adding a new section, and amending the map entitled "Town of Duxbury, Massachusetts Zoning Map" dated March 2009 as created by Greatwall GIS Services consisting of seven (7) sheets in total as revised and amended to date and on file in the office of the Town Clerk in order to create a new Battelle Waterfront Village Overlay District, as follows, or take any other action relating thereto.

Amend Article 200, Section 201 by adding the following to the existing list of classes of districts:

BWVOD Battelle Waterfront Village Overlay District

Amend Article 200, Section 202.2 by adding the following new section 11 to the existing district boundary line descriptions:

11. Boundaries of the Battelle Waterfront Village Overlay District (BWVOD) are shown on a map entitled "Proposed Battelle Waterfront Village Overlay District" dated November 21, 2016 prepared by the McKenzie Engineering Group, Inc. and on file in the Office of Town Clerk and Planning Board Office.

Insert New Section 407, or such other section numbering to be consistent with or located appropriately in the existing Bylaw, as follows:

- 407. Battelle Waterfront Village Overlay District (BWVOD).
- 407.1. Purpose and Intent:

This bylaw enables the redevelopment of the Battelle Memorial Institute property located along historic Washington Street just southerly of Snug Harbor that is improved with distinctive and/or historically significant residential structures, administration buildings, and various other structures associated with the former Battelle Memorial Institute.

The purposes of the Battelle Waterfront Village Overlay District (BWVOD) are:

1. to balance scenic, historic and development goals and protect and enhance the character of the former Battelle Memorial Institute property while promoting a use of the land that is more consistent with the underlying residential zoning district and neighborhood with resulting benefit to public welfare of the Town of Duxbury;

- 2. to promote village-style development, more sensitive siting of buildings and better overall site planning by offering an alternative to standard subdivision development that allows for adaptive reuse of existing historic structures, flexibility and creativity in the design of a new development, and protects and enhances the value of real property;
- 3. to preserve historical and archeological resources, and to perpetuate, where deemed appropriate, the appearance of the Town's traditional New England landscape, including the Washington Street streetscape and Snug Harbor/Duxbury Bay waterfront;
- 4. to encourage the preservation of open land for its scenic beauty and environmental benefits, and to enhance open space, and recreational use;
- 5. to protect the natural environment, including Duxbury Bay and the Town's wetlands and water resources;

#### 407.2. Location of District:

The BWVOD shall extend along a portion of the easterly side of Washington Street. The BWVOD established by this section is shown on a map entitled "Proposed Battelle Waterfront Overlay Village District," dated November 21 2016, which is on file in the office of the Town Clerk.

#### 407.3. Relationship to Other Laws:

The BWVOD is herein established and shall be construed as an overlay district considered as superimposed on underlying zoning districts. Within the BWVOD, a Battelle Waterfront Village Overlay District Development (WVD) shall conform to all other provisions of this Bylaw except to the extent that use, dimensional, parking, and design requirements are set forth in Section 407; in such cases, the requirements herein shall supersede the underlying zoning regulations. The application of the BWVOD to the Zoning Map shall not restrict rights relative to the underlying zoning districts or to the uses allowed by right or special permit therein. If an applicant elects to develop a WVD, as evidenced by obtaining approval of a WVD Master Plan and Special Permit from the Planning Board, then all development within the BWVOD shall be approved and conform to the use, dimensional, parking and design and other requirements of Section 407. In the event that no application for a WVD Master Plan and Special Permit is submitted within two (2) years following the date of designation of any such property in the BWVOD, the provisions of the BWVOD shall exclusively govern such property.

#### 407.4. Procedures:

A WVD shall be developed in the BWVOD in accordance with the following procedures:

### Step 1. Obtain Approval of a WVD Master Plan and Special Permit from the Planning Board

WVD Master Plan – General Requirements

A WVD shall be developed in accordance with a WVD Master Plan, approved by the Planning Board. Twenty (20) copies of such proposed WVD Master Plan shall be submitted to the Planning Board. The Planning Board shall have 90 days to conduct its review and approve the WVD Master Plan.

Upon receipt, the Planning Board shall refer a WVD Master Plan to the Design Review Board, Conservation Commission, Zoning Board, Historic Commission, Affordable Housing Trust, Town Engineer, Department of Public Works, Board of Health, Fire Chief, Police Chief and to any other Town agency/board/department for comments and recommendations if it so desires before taking final action on said WVD Master Plan. Any such board or agency to which applications are referred for comment shall make its written recommendations and comments and send copies thereof to the Planning Board and to the applicant within thirty-five (35) days of receipt of the referral request by said Planning Board or there shall be deemed no opposition or desire to comment. The Planning Board shall not act upon WVD Master Plan until either comments from referred boards or agencies have been received or said thirty-five (35) days have elapsed, whichever is sooner.

A positive majority vote of the Planning Board shall constitute approval of a WVD Master Plan. Failure to act within such ninety-day period shall be deemed to constitute a lack of opposition thereto. The time for Planning Board action may be extended at the written request of the Applicant prior to the expiration of the review period. In making its determination, the Planning Board shall be guided by the purposes set forth above, the submission requirements set forth below, and the criteria for the issuance of special permits set forth in this section.

#### WVD Master Plan - Plan Submission Requirements.

The following documents and plans shall be submitted to the Planning Board for review and approval, unless waived by the Planning Board:

- (1) A comprehensive WVD Narrative summarizing the purpose and intent of the project, the planned uses, and the development phasing strategy, and the form of ownership.
- (2) An Existing Conditions Plan, stamped by a registered land surveyor who is licensed in the Commonwealth of Massachusetts, showing the site and including the location of surveyed property line boundaries and property ownership, and all existing conditions information including but not limited to easements, curb cut locations, utilities, boundary of wetlands resources and applicable buffer zones jurisdictional under the Mass. Wetlands Protection Act and local Wetlands Protection Bylaw (as approved by the Conservation Commission through an Order of Resource Area Delineation (ORAD)), topography at two foot contour intervals, existing trees and landscaping, and footprints of existing buildings, structures and paved surfaces or otherwise previously developed areas. The scale of the plan shall be 1 inch = 40 feet. In addition, a separate plan shall be submitted showing surrounding context within at least 400 feet of the site including property line boundaries, property ownership, and topography at two-foot contour intervals. The maximum scale of this plan shall be 1 inch = 100 feet.
- (3) A proposed Site Development Plan, stamped by a registered professional engineer licensed in the Commonwealth of Massachusetts, illustrating existing and proposed buildings, access driveways, parking areas, shared/common amenities and facilities, easements, bikeways, walkways, sidewalks, access ways, required setbacks, site grading at two-foot

contour intervals, finished floor elevations, landscaping, open space areas and calculations, and approved wetland boundaries and buffer zones as discussed in Item (2) above. The maximum scale of this plan shall be 1 inch = 40 feet.

- (4) Building Development Program describing the buildings and their square footage by use and, if applicable, by phase.
- (5) Preliminary Visual Plans providing illustrations of –

Conceptual Ground Floor Architectural Plan for major buildings and parking facilities. (Scale: 1/8 inch = 1 feet.);

Preliminary Building Elevations for major buildings and parking structure/s (Scale: 1/8 inch = 1 feet.);

Three-Dimensional Bird's-Eye View(s) showing approximate massing, bulk, and height of buildings, including surrounding context; and

Eye-Level Perspective View(s) showing site and buildings as seen from major public vantage points such as adjacent major public streets and abutting neighborhoods and from Duxbury Bay.

- (6) Preliminary Landscaping Plan prepared by a registered landscape architect licensed in the Commonwealth of Massachusetts consistent with Section 407.5.6 herein.
- (7) Preliminary Traffic, Circulation, and Parking Plan prepared by a registered professional engineer specializing in transportation engineering describing anticipated traffic demand and flows generated by the project, sight distance lines at the proposed access driveway at Washington Street proposed locations and alignments of interior drives, drop-offs, curb cuts, parking, signage, pedestrian paths and sidewalks, bike paths, and easements, if any, for public access.
- (8) Preliminary Open Space, Conservation Lands, and Natural Resources Plan showing the location of open space, conservation lands, and natural resources and describing plans to supplement, change, or preserve existing open space, conservation lands, and natural resources.
- (9) Preliminary Historic Conservation and Preservation Plan showing the location of existing buildings on the subject property including historic properties and resources and describing plans to tear down, relocate, modify, repair, maintain, or engage in adaptive reuse of historic properties and resources.
- (10) Preliminary Utilities Plan, including location of subsurface sewage disposal system and water supply, showing the location of proposed utilities and describing their capacity to meet or exceed applicable local and state standards. The maximum scale of this plan shall be 1 inch = 40 feet.
- (11) Preliminary Stormwater Management Plan showing existing and anticipated proposed drainage patterns and stormwater management facilities and describing their capacity to

meet or exceed applicable local and state standards. The maximum scale of this plan shall be 1 inch = 40 feet.

(12) Preliminary Assessment of Community Benefits and Costs describing anticipated tax revenues or payments in lieu of taxes, anticipated number of school-age children, an affordable housing plan, if applicable, and specialized services provided to the Town or required of the Town.

#### WVD Special Permit – General Requirements

A BWD shall also require the grant of a Special Permit by the Planning Board. Such Special Permit shall be in compliance with the provisions of this section. The Planning Board shall also consider the recommendations, if any, of the Design Review Board, Zoning Board, Conservation Commission, Historic Commission, Affordable Housing Trust, Town Engineer, Department of Public Works, Board of Health, Fire Chief and Police Chief.

An application for a Special Permit shall be processed and determined in accordance with procedures for filing and public hearings set forth in Mass. Gen. L. c. 40A §9. A Special Permit issued by the Planning Board under the provisions hereof shall adhere to the voting requirement of a two-thirds vote of the Planning Board. Failure by the special permit granting authority to take final action within said ninety days or extended time, if applicable, shall be deemed to be a grant of the special permit.

In making its written determination, the Planning Board shall be guided by the purposes set forth above, the standards set forth below, and the criteria for the issuance of special permits set forth in Section 906.2.1, 906.2.2 e), 906.2.3 a) to d) of the Bylaw. The Planning Board shall have the authority to impose appropriate terms, conditions and safeguards in its written determination.

A Special Permit granted under this authority shall lapse within a two (2) year period, if a substantial use thereof has not sooner commenced, except for good cause or if construction has not begun within the period, except for good cause.

#### **Step 2:** Subsequent Changes/Amendments

If the Applicant wishes to modify the record plans approved as a condition of any Special Permit, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for an WVD Master Plan and Special Permit shall apply to such modification and a public hearing shall be required by the Planning Board; provided, however, that the Planning Board, in consultation with the appropriate departments and Boards, may determine that a proposed modification is insubstantial and approve the same without a public hearing. In making such determination, the following shall be presumed to constitute substantial modifications:

- (1) Material changes in the location of buildings, roadways, parking areas, drainage and stormwater management facilities, and other accessory structures that decrease the building setbacks from adjoining residential areas indicated in the record documents;
- (2) Changes that result in a net reduction of open space or net increase in lot coverage indicated in the record documents;

- (3) Changes to the buildings or grading that increase a building's height beyond that shown on the record documents; and
- (4) Changes to the architectural character of the buildings shown in the record documents, including approved exterior building materials. Authorization to modify the record plans shall be obtained prior to any substantial modification in the field. If required, the applicant is responsible for obtaining independent approval from the Conservation Commission of any modifications to the approved plans.

#### 407.5. Special Permit; Minimum Requirements.

No special permit shall be granted for WVD unless the project conforms to all of the following requirements:

- 1. The subject property shall contain at least ten (10) contiguous acres and five hundred (500) feet of contiguous frontage on an existing public way.
- 2. The permitted uses in the WVD may include attached or detached single-family, townhouses, and multi-family dwellings, open space, private recreation facilities for the exclusive use of the occupants and their guests and related off-street parking and parking garages, and accessory structures, and structures and uses associated with aquacultural and waterfront recreational uses, including boathouses, piers, docks and revetments.
- 3. The overall gross density of any residential use in the BWVD shall not exceed 4 dwelling units per acre and there shall be a minimum of two different residential uses incorporated into the development with no more than seventy five percent (75%) of the total number of dwelling units in any residential use type.

#### 4. Design Standards.

All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and roadways. Except to the extent regulated by the provisions of the state building code, individual buildings shall be related to each other in design, materials, placement and connections to provide a visually and physically integrated development. The following design standards may be waived by the Planning Board where strict compliance would be deemed to conflict with the purposes of this Bylaw as set forth in Section 407.1 above:

- a) Existing structures proposed for restoration or preservation shall be restored using the Department of the Interior's Guidelines (the so-called "Secretary's Standards") as a guide for all restoration or preservation, shall maintain their general exterior character and appearance, and exterior changes shall be consistent with the architectural and historic style and construction of the existing structures.
- b) All structures shall be constructed or reconstructed with traditional New England building materials, such as brick, cedar shingles, stone, or wood clapboard siding, or approved facsimiles thereof, or other high quality exterior materials approved by the Planning Board designed to reduce maintenance costs but mimic the appearance of such approved materials.

- c) Structures shall exhibit historic, period-style, or otherwise appropriately designed architecture, including without limitation Cape, Colonial, and Federalist Styles. These elements may vary to enhance the sense of a village that has grown with the landscape and the neighborhood.
- d) Treatment of the sides and rear of all buildings shall be comparable in amenities and appearance to the treatment given to street frontages of these same buildings.
- e) All new buildings shall be sited as to insure adequate light and air exposures to the rooms within.
- f) Multi-family buildings shall be designed with yards and breaks in accordance with Section 704.4 and 704.5 of this Bylaw or as otherwise permitted by the Planning Board.
- g) All buildings shall be accessible to emergency vehicles.
- h) All utilities, excepting transformers, fire hydrants and related equipment shall be placed underground and comply with the requirements of Section 711 of this Bylaw.
- i) The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.
- j) Pedestrian and bicycle circulation, and the amenities required thereof, on and offsite, shall be in accordance with the following requirements: (i) all development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board; (ii) pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries; (iii) sidewalks, walkways, bikeways or other pedestrian access shall be provided to allow connections to existing crosswalks, walkways, and bikeways.

#### 5. Internal Access Drive Standards.

Adequate access shall be provided to all buildings for fire, police and emergency vehicles. The Planning Board shall submit the plan of the proposed WVD to the Police Chief and the Fire Chief for their recommendations. The design of the principal access driveway shall meet the requirements of Sections 709 and 710 of this Bylaw. All access driveways shall be designed to provide for the discharge of surface water from the paved areas and shoulders and comply with the requirements of Section 407.5(8) of this Bylaw.

#### 6. Landscape Design Standards.

Landscape treatment for access drives, paths, service and parking areas shall be designed by a registered landscape architect licensed in the Commonwealth of Massachusetts as an integral part of a coordinated landscape design for the entire project area.

- a) Primary landscape treatment shall consist of shrubs, ground cover and trees, and shall be combined with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be indigenous and appropriate to the local growing conditions.
- b) Whenever appropriate, existing trees shall be preserved and integrated into the landscape design plan.
- c) All internal access drives contained within the project area shall be planted at appropriate intervals with street trees.
- d) Whenever possible the existing terrain shall be preserved and earthwork minimized to the extent feasible.

#### 7. Subsurface Sewage Disposal Standards.

Facilities for the treatment and/or disposal of treated wastewater shall be designed and conform to the requirements of 310 CMR 15.00 (Mass. Environmental Code Title 5) and any local bylaw and regulations of the Board of Health. The design of the subsurface sewage disposal system shall incorporate an alternative technology approved for use under Title 5 to provide enhanced nitrogen removal to a standard of at least 25 mg/l in the effluent discharged to the soil absorption system.

#### 8. Storm Drainage Design Standards.

The design of the principal access driveway shall meet the requirements of Section 712 of this Bylaw. Surface runoff shall be directed into low-impact or sustainable design systems such as bioretention cells, biofiltration swales, raingardens or other stormwater management systems that comply with the MA Department of Environmental Protection (DEP) Stormwater Management Regulations.

#### 9. Parking and Loading Design Standards.

Off-street parking and loading facilities shall conform to the provisions of Section 707.4 of this Bylaw. The use of pervious stone or block treatment for the construction of parking facilities shall be permitted and shall not qualify as impervious surface areas.

#### 10. Affordable Housing.

Affordable housing shall be provided, consistent with the definition of affordable housing under state and federal statute and regulations and in accordance with the requirements of Section 560 of the Zoning Bylaw.

#### 407.6. Dimensional Requirements.

- 1. Minimum Lot Frontage: Five hundred (500) contiguous feet on an existing public way.
- 2. Minimum lot area: Ten (10) contiguous acres.
- 3. Minimum Distance Between Primary Structures: Fifteen (15) feet.

- 4. Minimum Setback of Dwellings to Property Lines: Twenty Five (25) feet.
- 5. Maximum Building Height: Three (3) stories or thirty-six (36) feet; provided, however, that no building located within 40 feet of any property line not abutting the right of way of a public way shall exceed 32 feet in height.
- 6. Maximum Residential Density: Four dwelling units per acre.
- 7. Impervious Surface Coverage (roofs and asphalt): Not more than 35% percent of the overlay district.
- 8. Setback from Wetlands Resource Areas (excluding floodplains): No disturbance of any kind within 50 feet, unless waived by the Planning Board. Any disturbance within 100 feet of a resource area may require a permit from the Conservation Commission.

#### 407.7 Open Space.

A minimum of 40 percent of the WVD shall be developed or preserved as open space. Not more than 50 percent of the required open space shall be wetlands resource areas as defined by Mass. Gen. L. c. 131 or the local Wetland Bylaw (excluding floodplains). Such open space shall be, in the opinion of the Planning Board, usable for recreational or other purposes. Open Space may include unpaved walkways, landscaped areas, recreational areas, wetlands, buffer zones, and related facilities, as may be determined by the Planning Board. Paved surfaces, such as parking areas and vehicular access drives, and structures, such as pools, tennis courts or fountains, shall not be considered in calculating open space.

As a component of the Open Space, the Applicant may designate a Preservation Area, which may consist of agricultural or aquacultural land, wildlife habitat, other natural resources including water bodies and wetlands which are worthy of preservation. The Applicant shall have the right to select the manner in which the Preservation Area may be preserved by any of the following:

- 1. Conveyance to the Town or its Conservation Commission with the approval of the Conservation Commission if land is to be conveyed to the Town for conservation purposes.
- 2. Conveyance to a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above.
- 3. Conveyance to a corporation or trust owned jointly or in common by the owners in the WVD. If such conveyance is used, the open space shall be defined in any special permit, indicating the exact area to be preserved as open space and the uses that may be conducted thereupon, or such open space shall be subject to a preservation or conservation restriction pursuant to statute. If such corporation or trust is utilized, ownership thereof shall pass with the conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each owner. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. Each individual deed,

and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

#### 407.8 Buffer Zone Requirements.

The project design shall include a 25' foot buffer zone from all external lot lines. Where the Planning Board deems appropriate, such buffer zone shall be kept in its natural state where evergreen or year round screening exists, but no structure may be erected therein. Furthermore, where natural vegetation is sparse or nonexistent, the developer shall propose to provide evergreen or year-round visual screening or appropriate decorative fencing. Within said buffer zone decks and/or ground level patios may be constructed but no principal structure shall be permitted. Additionally, within said buffer zone, utility easements, if necessary, to ensure continuity with the site design.

#### 407.9 Operation and Maintenance Requirements.

All internal access ways, sidewalks, recreation areas, community facilities, stormwater and sanitary sewer collection and treatment facilities, infrastructure and landscaping shall remain forever private. The operation, maintenance and repair of all such infrastructure shall be the initial responsibility of the applicant and then an organization of the unit owners/homeowners within the WVD. During the WVD Master Plan approval, the applicant shall establish the organizational structure, funding mechanisms, and responsibilities of the organizations which may include one or more organizations.

407.10 Signage.

Signs in the BWVOD shall comply with the Town's Sign Bylaw, as it applies to residential districts. Notwithstanding such provisions, one (1) two-sided monument sign not to exceed 12 square feet in area on each side shall also be permitted for identification purposes.

Submitted by Citizens' Petition

**Explanation**: The purpose of the proposed amendment to the existing Bylaw is to establish a new zoning district called the Battelle Waterfront Village Overlay District that will overlay the underlying zoning and authorize a residential development featuring adaptive reuse of distinctive, historic structures and new village-style, new residential construction at a density consistent with the existing use befitting of the scenic streetscape along Washington Street and its location along Duxbury Bay waterfront. Under the proposed amendment, through a Master Plan approval process and Special Permit approval process administered by the Planning Board, the town can ensure sensitive, creative site-planning and design, high standards for the rehabilitation of historic residences and design for new residences, all in a manner that preserves open space and enhances the value of real property with public benefit to the community. The Master Plan approval process requires narratives and plans summarizing the purpose and intent of the project, the evaluation of existing conditions, a detailed site development plan, architectural plans from all vantage points, landscape plans, a traffic, circulation, and parking plan, an open space, conservation lands and natural resources plan, a historic conservation and preservation plan, utilities plans, stormwater management plans and an assessment of community benefits and costs. The Special Permit approval process follows the existing procedures for approval and allows the Planning Board to be guided by specific purposes and standards necessary to ensure successful development with the authority to impose appropriate terms, conditions and safeguards on any proposed development.

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

Please refer to the maps on the following pages.







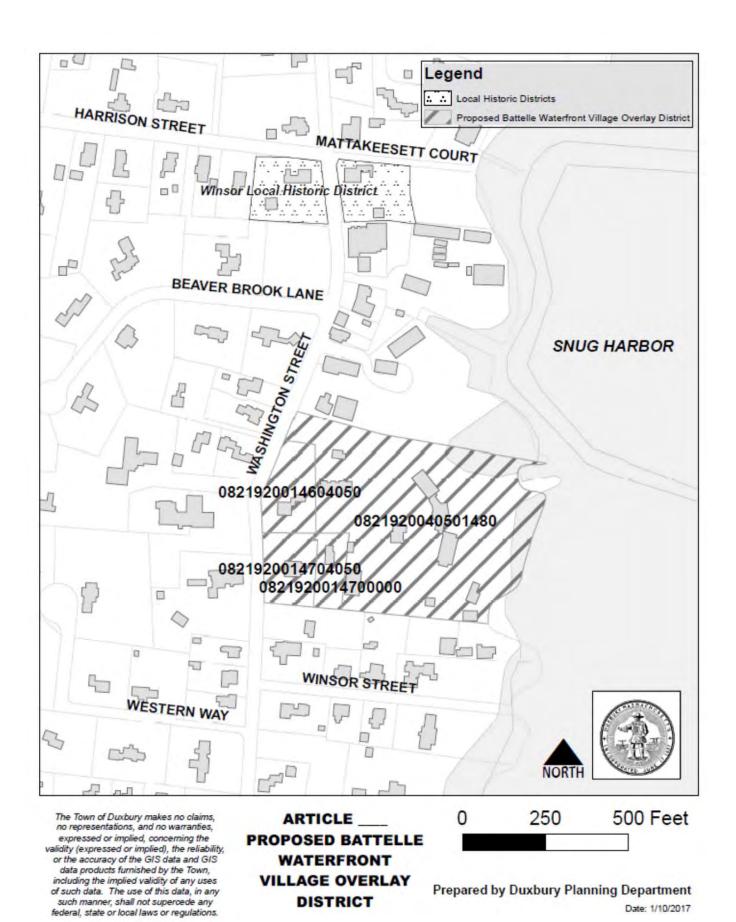
PROPOSED BATTELLE WATERFRONT VILLAGE OVERLAY DISTRICT IN THE TOWN OF DUXBURY, MA

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# BATTELLE WATERFRONT VILLAGE OVERLAY DISTRICT IN THE TOWN OF DUXBURY, MA

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# ARTICLE 15 – AMEND ZONING BY-LAWS - ONE DWELLING PER LOT

To see if the Town will amend the Duxbury Zoning By-laws (the Protective Bylaw of the Town of Duxbury), Article 400 – Use, Intensity, Dimensional and Coverage Regulations for All Districts, Section 401.4 "Permitted Uses" in order to add a new sub-section 401.4.4 as follows, or take any other action in relation thereto:

Notwithstanding any other provision of this Bylaw, no more than one (1) single-family dwelling or dwelling unit is permitted by right on any lot in any district. Nothing in this sub-section implies that one (1) single-family dwelling or dwelling unit is permitted in any district where this Bylaw does not expressly so provide.

Proposed by the Board of Selectmen and Planning Board

**Explanation:** The Zoning Bylaw requires clarification with respect to the number of dwellings or dwelling units allowed on one residential lot, as recently noted through a review of the Bylaw by Town Counsel. The proposed amendment will clarify the language.

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

# <u>ARTICLE 16 - AMEND ZONING BY-LAWS - SECTION 530 - SPECIAL PERMITS FOR MULTIPLE DWELLING UNITS</u>

To see if the Town will amend the Duxbury Zoning Bylaws (the Protective Bylaw of the Town of Duxbury) to amend and reorganize Section 530 to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

# Section 530.2 Applicability

The division and/or subdivision of land held in single ownership as of January 1, 2001 or anytime thereafter into:

- 1. Six (6) or more lots or;
- 2. The division of a track of land greater than ten (10) acres into five (5) or more lots or;
- 3. The construction of six (6) or more dwelling units on land that does not require land division and/or subdivision, whether on one or more contiguous parcels held in single ownership as of January 1, 2001 or anytime thereafter,
- 1. The division and/or subdivision of land held in single ownership as of January 1, 2001, or anytime thereafter into six (6) or more lots or;
- 2. The division of a tract of land greater than ten (10) acres into five (5) or more lots; shall require a special permit from the Planning Board under the provisions of Section 540, unless application is made under Section 700 of the Zoning Bylaw, in which case the special permit granting authority shall be the Board of Appeals.
- 3. The construction of six (6) or more dwelling units on land that does not require land division and/or subdivision, whether on one or more contiguous parcels held in single

ownership as of January 1, 2001 or anytime thereafter, shall require a special permit from the Board of Appeals under Article 700.

shall require a special permit from the Planning Board under the provisions of Sections 540 and/or 906.2, unless application is made under Section 700 of the Zoning Bylaw, in which case the special permit granting authority shall be the Board of Appeals. In cases where the proposed division of land is for six (6) or more lots and said division is proposed as a division of land not requiring Planning Board approval (G. L. c. 41, sec. 81-P), the Planning Board's special permit powers shall be limited to enforcing the provisions of Section 560 of the Zoning Bylaw. The provisions of Section 530.2.3 shall not apply to the construction of six (6) or more dwelling units on individual lots, if said six (6) or more lots were in existence as of January 1, 2001.

or take any other action in relation thereto.

Proposed by the Board of Selectmen and Planning Board

**Explanation**: The Zoning Bylaw requires clarification with respect to special permits for multiple dwelling units. Section 530.2 is ambiguous and confusing, and the proposed amendment clarifies certain aspects of that section:

- (1) It clarifies that certain projects require a special permit under Section 540 (Residential Conservation Cluster) or Article 700 (Planned Development), but not under Section 906 (special permits in general);
- (2) It clarifies that certain projects require a special permit as a Planned Development under Article 700; and
- (3) It corrects a typographical error in Section 530.2.2 ("tract").

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 17 - FUNDING AN UPDATE OF THE ZONING BYLAW

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for the purpose of reviewing, revising and recodifying the Zoning Bylaw for the Town of Duxbury, with the sums to be expended under the direction of the Planning Director in consultation with the Planning Board to secure professional planning services to assist with the project, or take any other action in relation thereto.

Proposed by the Board of Selectmen and Planning Board

**Explanation**: There is an undeniable need to update the Zoning Bylaw in order to make it clear and internally consistent, and bring it into alignment both with G.L. c. 40A (the Zoning Act) and current case law. A detailed study by the Zoning Bylaw Review Committee (ZBRC) and continued problems with ambiguity, inconsistency, and conflicting interpretations underscore how critical it is to rewrite, reorganize, and restructure the Zoning Bylaw now - this work cannot be put off any longer. The use of a professional consultant to assist the Planning Department and Planning Board in this comprehensive process will facilitate completion of this task over a phased approach.

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

# ARTICLE 18 - 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 updating 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 Comprehensive Plan (adopted and last updated pursuant to MGL Chapter 41, Section 81D) is a document that 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.

Significant changes in the fifteen years since the 1999 Comprehensive Plan adoption include: improvements in land use mapping technology, shifting demographics, changes to Town and state zoning, acquisition of significant tracts of open space by the Town, and new information and regional/state frameworks with respect to the potential impacts of coastal flooding, natural resource management, agricultural uses, economic development, historic preservation, health and housing needs. FEMA is mapping new flood zones in light of storm hazards. There have also been demographic changes to consider. The population has shifted in some respects, although population growth is in line with projections, and turnover has been relatively low in terms of people moving in or out of the community. In terms of the percent of the population, here are fewer children under 5 years of age (from 7 to 4.7%), a slight increase in people age 20-24 years (2.6 to 4.0%), fewer adults age 25-44 years (24.1 to 16%), and an increase in adults age 60-75 (9.9 to 16.8%). In terms of overall population, there are roughly 1000 fewer adults age 25-44 than in 2000 (a 29.5% decrease), while the age 60-75 population has increased from 1,403 to 2,542 (an 80% increase).

The Town has invested in an update of its Open Space Plan (2008, and new one nearly complete), 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 more in-depth study 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.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 7-0 to Recommend

# ARTICLE 19 - FUNDING THE UPDATE OF THE ZONING MAP

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for the purpose of updating the Zoning Map 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 this project, or take any other action in relation thereto.

Proposed by the Planning Board

**Explanation**: Results of a detailed review of the Zoning Maps currently referenced throughout the Bylaw and in digital form online have resulted in the clearly identified need for updates to make the Zoning Maps clearer, internally consistent, and current to reflect the actions taken by Town Meeting. The need to accurately reflect the zoning in one set of accurate, legible and scalable maps which are available in hard copy and match that information available in the Town's digital information is critical to proper enforcement of the Zoning Bylaws.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 7-0 to Recommend

# **ARTICLE 20 – 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 M.G.L. Chapter 44B, such sums of money as it determines necessary for the expenses and charges for operation of the Community Preservation Committee for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018 inclusive; or take any other action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** To provide annual funding for the administrative and operational costs of the Community Preservation Committee, including incidental project costs. Under the CPA, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. It is necessary to re-authorize the appropriation on an annual basis.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 6-0 to Recommend

# **ARTICLE 21– CPC: ALLOCATIONS**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund a sum of money for the purpose of satisfying the requirements of the Community Preservation Act, M.G.L., Chapter 44B, Section 6 to fund eligible projects within the statutory categories of Open Space, Community Housing (Affordable) and Historic Resources (Preservation), and to meet this appropriation, transfer a sum of money from the Community Preservation Fund(s); or take any other action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** General Laws Chapter 44B, Section 6 requires that every fiscal year, upon recommendation of the Community Preservation Committee, Town Meeting shall spend, or set aside 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. This article achieves that mandate.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 6-0 to Recommend

# <u>ARTICLE 22 – CPC: PROVIDE FUNDING FOR IRRIGATION SYSTEM FOR JAYCOX TREE</u> <u>FARM</u>

To see if the Town will appropriate, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to fund installation of an irrigation system for the Jaycox Tree Farm including costs related thereto, and authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund, or take any action in relation thereto.

Proposed by the Community Preservation Committee/Conservation Commission

**Explanation:** This article will fund the completion of an irrigation system at the Town-owned Jaycox Tree Farm located on West Street.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 6-0 to Recommend

# ARTICLE 23 – CPC: PROVIDE FUNDING FOR THE CONSERVATION FUND

To see if the Town will appropriate, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to be added to the Conservation Fund to be used under the direction of the Conservation Commission for any purpose authorized by M.G.L. Chapter 40, Section 8C, and in accordance with Chapter 44B, or take any action in relation thereto.

Proposed by the Community Preservation Committee/Conservation Commission

**Explanation:** This article proposes to replenish the Conservation Fund. The money is used for open space land acquisition, costs associated with land acquisition and land management.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 6-0 to Recommend

# ARTICLE 24 – CPC: MOISTURE ASSESSMENT AND REPAIR OF THE ALDEN HOUSE HISTORIC SITE

To see if the Town will appropriate, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund for a moisture assessment and drainage repairs of the Alden House Historic Site located on Alden Street, including costs related thereto, and further to authorize the Board of Selectmen to enter into any necessary agreements with The Alden Kindred of America, Inc. to further that purpose, on terms deemed by the Board of Selectmen to be in the best interest of the Town, and to authorize the Town Manager to expend sums of money from the Community Preservation Fund designated for the purposes of this Article, or take any action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** The Alden Kindred of America, Inc. is requesting Community Preservation Funding to continue to assess moisture problems and to perform drainage repairs identified in a previous conditions assessment for the Alden House Historic Site.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Vote: Available at Town Meeting

# ARTICLE 25 – CPC: WINDOW RESTORATION AT THE BRADFORD HOUSE

To see if the Town will appropriate, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to restore windows at the Bradford House, located at 931 Tremont Street, including costs related thereto, and further to authorize the Board of Selectmen to enter into any necessary with Duxbury Rural and Historical Society to further that purpose, on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, and to authorize the Town Manager to expend sums of money from the Community Preservation Fund designated for the purposes of this Article, or take any action in relation thereto.

Proposed by the Community Preservation Committee

**Explanation:** The Duxbury Rural and Historical Society is requesting Community Preservation funding to restore approximately 40 windows in the Bradford House Museum.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 6-0 to Recommend

# **ARTICLE 26 – CPC: RESTORATION OF THE STANDISH CEMETERY**

To see if the Town will appropriate, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to restore the Standish Cemetery, for fencing, signage and masonry work, including costs related thereto, and authorize the Town Manager to expend sums of money for the purposes of this Article from the Community Preservation Fund, or take any action in relation thereto.

Proposed by the Community Preservation Committee / Department of Public Works

**Explanation:** This project will fund the installation of new fencing, signage, and the repair of masonry walls and entry ways at the Standish Cemetery.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 6-0 to Recommend

# **ARTICLE 27 - CONSERVATION LAND**

To see if the Town will authorize the transfer of certain parcels of Town-owned land purchased as permanent open space, identified as Duxbury Assessors Parcels 018-502-032, 018-502-051, 038-502-005, 073-502-013, 076-502-019, 078-502-014, 079-502-015 to the Conservation Commission under M.G.L. Chapter 40, § 8C for conservation purposes, said parcels being identified by location on documents on file at the Office of the Town Clerk; or take any other action in relation thereto.

Proposed by the Conservation Commission

**Explanation:** These parcels were purchased as permanent Open Space, but were not so restricted in the title. This article will authorize Town Counsel to record corrected deeds to achieve the original intent.

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 6-0 to Recommend

### ARTICLE 28 - INCREASE OF CLAUSE 41A INCOME REQUIREMENTS

To see if the Town will vote to adjust the current eligibility limits for property tax deferral under M.G.L. c. 59 § 5, Clause 41A from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for the fiscal year beginning on July 1, 2017, or take any other action in relation thereto.

Proposed by the Board of Assessors

**Explanation:** Clause 41A is the Deferral of Taxes. The deferred taxes are to be paid at the time of sale of the property or the date of death of the owner. Outstanding balances accrue at 4% interest while in deferral. Taxes must be paid 30 days after the date of death if not from that point forward the outstanding balance accrues at 16%.

The average tax bill in Duxbury has increased 25% over the past five years. Our goal is to enable seniors to stay in their homes as long as possible. With an average tax bill of \$9,925 that is 25% of the current gross income allowed without any other expenses allotted for. This Clause does not exempt seniors from their taxes it enables them to stay in their homes while the Town will receive their tax money at a later date.

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

# ARTICLE 29 - AMEND GENERAL BYLAWS TO CHANGE THE DATE OF THE CLOSING OF THE ANNUAL TOWN MEETING WARRANT

To see if the Town will amend Section 2.3 of the Duxbury General By-Laws, entitled "Warrants for Town Meeting," to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

2.3.1 The Board of Selectmen shall be responsible for preparing all town meeting warrants. Warrants for all town meetings shall be served by posting an attested copy thereof in each precinct, at least seven (7) days before the Annual Town Meeting and fourteen (14) days before a Special Town Meeting. In addition to posting copies of the warrant for any Special Town Meeting, a copy of the warrant shall be published in one Plymouth County newspaper with a regular circulation in the Town of Duxbury at least fourteen (14) days before the time of holding said Special Town Meeting. The warrant for the Annual Town Meeting shall be closed no later than 75 45 days preceding the date of such meeting. No Annual or Special Town Meeting shall be dissolved until all of the articles contained in the warrant for such meeting shall have been acted upon there at.

; or take any action in relation thereto.

Proposed by the Town Manager/Board of Selectmen

**Explanation**: This article will amend the General Bylaws by reducing the timeframe for closing the Annual Town Meeting from 75 days prior to the date of the Annual Town Meeting to 45 days.

In the past, as a result of the current 75 day timeframe, the Annual Town Meeting warrant has often been closed (to be in compliance with the General Bylaws) and then re-opened on more than one occasion during the span of the preparation time leading up to the Annual Town Meeting. Massachusetts General Laws do not prescribe such a lengthy timeframe and in fact, the timeline prescribed pursuant to M.G.L. c. 39, § 10, states in part, that "Every town meeting or town election, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, notice of which shall be given at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting."

Town Counsel has reviewed and agrees with this proposal. Few, if any, other communities have such a long required lead time for their annual warrants. Numerous matters are clarified in the run-up to Town Meeting and this proposal will help accommodate the need to address article changes as the date of Town Meeting draws nearer. The proposed 45-day deadline will continue to provide a firm target to boards and committees working to prepare matters for articles on the warrant, and provide the Board and staff with a solid date towards which to work.

Recommendations: Board of Selectmen Voted 3-0 to Recommend

Finance Committee Voted 7-0 to Recommend

#### **ARTICLE 30 – 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 at Town Meetings, or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation**: This article will fund the annual 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 2-0 to Recommend

Finance Committee Voted 7-0 to Recommend

# <u>ARTICLE 31 – FIRE DEPARTMENT HEADQUARTERS EXPANSION</u>

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under M.G.L. Chapter 44, Section 7(3A) for the expansion, equipping and furnishing of the Fire Department Headquarters on Parcel No. 15-503-040 on Tremont Street, said funds to be expended under the direction of the Town Manager, and to authorize the Town Manager to accept any gifts or grants for such project; or take any action in relation thereto.

**Explanation**: Recently the Town of Duxbury has expanded its scope of services. By partnering with the surrounding communities of Plympton, Halifax, Rochester, and Plymouth, Duxbury will now host the Duxbury Regional Emergency Call Center (DRECC). Aided by funding by the State 911 grant, the DRECC has been able to update and expand the center with state of the art equipment at no cost to the Town. Further, as a regional center, the facility has incorporated other communities through funding by the participating towns and the state 911 grant. It is now time to take the next step. This article will allow the center to expand its working space to accommodate the partnering towns. All costs, included, but not limited to, construction, equipping, furnishing, and borrowing costs will be reimbursed by the State 911 grant.

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

#### ARTICLE 32 – IMPOSITION OF INTEREST ON OVERDUE MUNICIPAL CHARGES

To see if the Town will accept the provisions of M.G.L. Chapter 40, Section 21E, which establishes due dates and interest regarding unpaid municipal charges including, but not limited to, Police Details, Fire Details, Ambulance Fees and any other charges not covered specifically by a Massachusetts General Laws; or take any action in relation thereto.

Proposed by the Police Chief, Fire Chief, Finance Director

**Explanation**: In the past, the Town has had difficulty in obtaining timely payments for obligations related to Police and Fire Details and Ambulance fees. Currently the Town has no instrument by which it can impose penalties, thereby providing vendors and individuals an incentive to make payments when due. If passed, this Article would give the Town the ability to apply interest on balances of overdue municipal charges. This charge will be consistent with M.G.L. Chapter 59, Section 57 for all municipal charges more than 30 days past due.

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

# ARTICLE 33 - PROPOSED CELL TOWER LOCATION AND LONG-TERM LEASE AUTHORIZATION - POLICE DEPARTMENT PROPERTY 155 MAYFLOWER STREET

To see if the Town will authorize the Board of Selectmen to lease to a third party a portion of the property located at 155 Mayflower Street, Duxbury, Massachusetts, which parcel is shown on the Duxbury Assessor's Map 092, Block 500, Lot 039 described in a deed recorded with the Plymouth County Registry of Deeds in book 2676, Page 198, and which portion is depicted on a plan entitled, "155 Mayflower Street" dated November 17, 2011, approximately in the location shown on a sketch plan on file with the Town Clerk, for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to twenty (20) years; and further to grant such access and utility easements on said property as the Board of Selectmen deems appropriate to serve the telecommunications equipment and other facilities installed pursuant to said lease; or take any action relative thereto.

Proposed by the Municipal Services Director and Town Manager

**Explanation:** Municipal Services Dept. was approached by Verizon Wireless - they would like to place a 100' tower at the rear left corner of the Police Station lot. This can only be done through an open and competitive bid process in accordance with M.G.L. c.30B and with the approval Town Meeting to enter into a long term (longer than 3 years) lease agreement for the portion of the land that a tower and accessory building will occupy. Potential revenue has yet to be determined

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

# ARTICLE 34 – CITIZENS' PETITION - PROPOSAL TO APPROVE AND APPROPRIATE FUNDS FOR A CONTRACT HIRING DUXBURY 2020 TO INSTALL MARKERS FOR THE TOWN (OR HISTORICAL FLAGS)

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for the purpose of funding a contract between the Town of Duxbury and Duxbury 2020, Inc. (a not for profit corporation) for the purpose of installing markers or historical flags for the Town, or take any other action in relation thereto.

Proposed by Citizen's Petition

**Explanation:** Duxbury 2020, Inc. seeks funding for approximately 100 historic flags, some of which will have the original settler's names and some will mark historic sites in the Town. If approved, Duxbury 2020, Inc. would operate as a contractor at the Town's direction (through the Town Manager) and the Town would control what the flags look like (design, message, image, etc.) and where they would be placed.

Recommendations: Board of Selectmen Voted 1-1 to Recommend

Finance Committee Voted 0-7 to Recommend

# ARTICLE 35 – AMEND ZONING BY-LAWS ARTICLE 600 - GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS OVERLAY DISTRICT

To see if the Town will amend the Zoning Bylaw Article 200 ESTABLISHMENT OF DISTRICTS, Section 202.1 Zoning Map and Section 202.2 District Boundary Line Descriptions, and to amend 600 SPECIAL REGULATIONS by adding a new Section 618 GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS OVERLAY DISTRICT, to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

ARTICLE 202 LOCATION OF DISTRICTS

202.1 Zoning Map

Said districts are located and bounded as delineated on the "Town of Duxbury, Massachusetts Zoning Map" dated March 2009 as created by Greatwall GIS Services consisting of seven (7) sheets in total as revised and amended to date and on file in the office of the Town Clerk including the Wetland and Watershed Protection District Map dated March 4, 1971, as revised and amended to date and on file in the office of Town Clerk, and an Aquifer Protection District Map, dated January 15, 1986, as revised and amended March 24, 1993 and December 4, 2002 on file in the office of Town Clerk, and the Plymouth County Flood Insurance Rate Map dated November 4,

2016, and the Ground-Mounted Solar Photovoltaic Installations Overlay District Map dated March 11, 2017, and on file in the office of the Town Clerk. The zoning map with boundaries of the districts and all explanatory matter thereon is hereby made a part of this Bylaw. Any conflict between the map and the description of any district in the written terms of this Bylaw shall be resolved according to the written terms.

# 202.2 District Boundary Line Descriptions

11. Boundaries of the Ground-Mounted Solar Photovoltaic Installations Overlay District Map on file in the Office of Town Clerk and in the Planning Board Office.

Section 618: GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS OVERLAY DISTRICT

#### 618.1 Purpose and Intent

- 618.1.1 The purpose of this Section 618: Ground-Mounted Solar Photovoltaic Installations Overlay District ("GMSP Overlay District") is to create a zoning overlay district that allows the installation, operation, maintenance and decommissioning of Ground-Mounted Solar Photovoltaic (GMSP) Arrays as a permitted use in such district, to provide standards for the placement, design, construction, operation, monitoring, modification, maintenance and decommissioning of such installations, to establish the process and procedures for review and approval of an installation, to address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the installation, operation, maintenance and decommissioning of GMSP installations.
- The requirements set forth in this Section 618 shall establish the set of standards that apply to the construction, operation, maintenance, and decommissioning of GMSP Installations in the GMSP Overlay District and the process and procedures for Site Plan review and approval of an application for a GMSP Installation.
- or such approval lapses, then all requirements of the underlying district shall apply to the land and this alternative set of standards for the construction, operation, and/or repair of GMSP Installations shall not apply.
- 618.1.4 The Planning Board is the Site Plan Review Authority (SPRA) for all applications for GMSP Installations in the GMSP Overlay District defined in this article of the Bylaws.
- An application for a GMSP Installation shall follow all Planning Board processes and procedures for a Site Plan Review as defined by these Bylaws unless either listed as an exception or modified by this article.

# 618.2 Applicability

618.2.1 Section 618 shall apply to proposal(s) for Site Plan Review and approval of GMSP Installations and construction of approved GMSP installations in the GMSP Overlay District after the effective date of this Section 618. This Section 618 shall also apply to physical modifications that materially alter the type, configuration, or size of these

installations or related equipment over the operational life of the installation.

- Location of GMSP Overlay District: The GMSP Overlay District shall be comprised of Town Assessors Map Portions of 155 Mayflower Street, PID 092-500-039 0 Mayflower Street, PIDs 093-400-041 and 093-500-431. The GMSP Overlay District is shown on a map entitled "*Ground Mounted Solar Photovoltaic Overlay District*," which map is hereby incorporated by reference in and made part of this Zoning Bylaw.
- Areas for additional GMSP Overlay Districts may be added from time to time by vote at Town Meeting to amend this Bylaw article.

#### 618.3 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development shall be subject to Solar Photovoltaic Installations Site Plan Review to determine conformance with the Town's Zoning Bylaw. Projects subject to Solar Photovoltaic Installation Site Plan Review that comply with the Town's Zoning Bylaw cannot be prohibited, but can be reasonably regulated by the Site PlanReview Authority.

Ground-Mounted Solar Photovoltaic (GMSP) Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted or canopy-mounted, and has a minimum nameplate capacity of 250 kW DC.

Site Plan Review Authority (SPRA): The Duxbury Planning Board is the SPRA for GMSP Installations.

Solar Photovoltaic Installation Site Plan Review: A review and approval by the Site Plan Review Authority to determine conformance with the Town's Zoning Bylaw.

Nameplate Capacity: The maximum rated output of the electric power production of the photovoltaic system in Direct Current (DC).

- 618.4 Compliance with Laws, Bylaws and Regulations
- The construction, installation operation, maintenance, decommissioning and interconnection with an electricity distribution utility of GMSP Installations shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements. No GMSP Installation shall be constructed, installed or modified without first obtaining a building permit.
- Solar Photovoltaic Installation Site Plan Review: Prior to obtaining a building permit, construction, installation or modification, GMSP Installations shall undergo Solar Photovoltaic Installation Site Plan Review by the SPRA as provided below. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than one (1) year after the date of filing of a complete application, as determined by the SPRA.
- 618.5 Application and Plan Requirements

Subject to submittal requirements detailed in the Planning Board's "Site Plan Review Application Package," a completed application for Solar Photovoltaic Installation Site Plan Review shall be filed with the SPRA. Along with receipt of an application, the SPRA may engage, at the Applicant's cost, professional and technical consultants, including legal counsel, to assist the SPRA with its review of the application, in accordance with the requirements of G.L. c.44, §53G. The SPRA may direct the Applicant to deposit funds with the SPRA for such review at the time the application is determined to be complete, and may direct the Applicant to add additional funds as needed upon notice. Failure to comply with this section shall be valid grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the SPRA, including any interest accrued, shall be refunded to the Applicant.

#### 618.5.2 Site Plan Review

The Applicant shall follow the Site Plan Review policies and procedures as defined by Article 600 Section 615 of these Zoning Bylaws and the "Site Plan Review Application Packet, Planning Board of the Town of Duxbury, Massachusetts" except as may be modified by this Section 618. The SPRA has the authority to reduce or waive the application fee.

- a. The following shall be specifically included in the Site Plan in addition to those required in Section 615.4:
  - i. Name/Description of project
  - ii. North arrow:
  - iii. Location, size of any existing landscaping;
  - iv. Lighting type.
- b. Plans or drawings of the GMSP Installation prepared by a Registered Professional Engineer licensed in the Commonwealth of Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures or vegetation.
- c. One or three line electrical diagram detailing the Ground-Mounted Solar Photovoltaic Installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
- d. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter(s).
- e. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed installation.
- f. An operation and maintenance plan (see also "Operation & Maintenance Plan" Section 618.7).
- g. Signature of the Applicant(s) and property owner(s), if the Applicant is not the property owner. If the Applicant is not the property owner, a statement, signed by

the property owner, authorizing the Applicant to proceed is required.

618.5.3 Application Submission: The application packet must comply with Article 600 Section 615 of the Duxbury Zoning By-Law and the Duxbury Planning Board's Rules and Regulations concerning Site Plan Review.

#### 618.6 Construction

- The Solar Photovoltaic Installation Site Plan Review Application must detail the proposed GMSP Installation's resistance to extreme wind, temperature snow, ice, rain, and humidity conditions.
- 618.6.2 Glare shall be mitigated at the Applicant's expense by the placement of fencing, vegetation or other means as reasonably required by the SPRA.
- 618.6.3 The GMSP Installation shall be enclosed by suitable fencing, access gates and/or other barriers to prevent unauthorized access and shall contain closed circuit cameras and motion detectors for security if required by the SPRA.
- All utilities connections to the external electricity distribution network and lighting system shall be underground. This requirement may be partially or completely waived by the SPRA if the SPRA finds that this requirement is impractical for a specific installation.

# 618.7 Operation & Maintenance Plan

The Applicant shall submit as part of the Solar Photovoltaic Installation Site Plan Review Application an operation and maintenance plan for the Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

The Operation and Maintenance Plan shall include without limitation the following:

- Plans for replacing damaged or inoperative array panels.
- Plans for replacing panels that have deteriorated in efficiency in excess of the manufacturer's warranty.
- Measures to ensure that the panels are kept clean including plans for snow/ice removal.
- Measures to ensure that the structure and brackets that support the panels shall be maintained such that no major rust or corrosion is visible for the life of the installation.
- Measures to ensure that all buildings, enclosures, fences and other facilities that are part of the installation shall be maintained in a manner that they retain the original appearance and operational function, reasonable wear and tear excluded, including but not limited to paint, shingles, siding, roofing, roadways, gates, access panels, etc.

### 618.8 Dimension and Density Requirements

- 618.8.1 Structures: GMSP Installations and all appurtenant structures shall, to the extent not otherwise covered in this Section 618, be subject to the restrictions concerning the bulk and height of structures, lot area, setbacks, open space, and building coverage requirements set forth in this Zoning Bylaw for the zoning district in which the GMSP Overlay District is located, provided that only one parking space shall be required per GMSP Installation and the GMSP Installation may cover up to 70% of any lot, provided other setback requirements are met.
- The maximum height from grade to the top of the Ground-Mounted Solar Photovoltaic Installation shall not exceed 15 feet for each individual solar panel.
- All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. The SPRA may require that structures be screened from view by vegetation and/orjoined or clustered to avoid adverse visual impacts.

# 618.9 Design Standards

- 618.9.1 Lighting: Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Ground-Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- Signage: Signs on Ground-Mounted Solar Photovoltaic Installations shall comply with this Zoning Bylaw. A sign that identifies the owner and/or operator and provides a 24-bour emergency contact phone number shall be required. Ground-Mounted Solar Photovoltaic Installations shall not display any advertising. Advertising does not include signs providing reasonable identification of the owner, manufacturer or operator of the installation.
- Utility Connections: Electrical lines for utility interconnections shall be routed underground unless found to be impractical by the SPRA or otherwise required by the interconnecting utility.
- 618.9.4 Color: The GMSP panels, including all replacement panels, which make up the GMSP Installation, shall each have similar color, reflectivity and tone. The SPRA may in its discretion grant a case-by-case exception.

# 618.10 Safety and Environmental Standards

618.10.1 Emergency Services: The Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic and approved site plan to the Duxbury Fire Chief and Police Chief. The owner and operator shall cooperate with local public safety and emergency services in developing anemergency response plan. All means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. Access capability (lock keys, combinations, entry codes, etc.) shall be provided by the owner and/or operator to these public safety officials.

- 618.10.2 Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the GMSP Installation or otherwise prescribed by applicable local, state and federal laws and regulations.
- 618.10.3 GMSP Installation on Landfill: If the GMSP Installation will be located on a landfill, it may be required to obtain a Post-Closure Use Permit from the Massachusetts Department of Environmental Protection pursuant to 310 CMR 19.143. The SPRA may defer action on any application until such Post-Closure Use Permit is obtained or evidence is provided by the Applicant that a Post-Closure Use Permit is not required.

# Monitoring and Maintenance

- 618.11.1 GMSP Installation Conditions: The GMSP Installation owner or operator shall maintain the facility in good condition and repair. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures, buildings, roadways, access gateways, structural integrity, and elimination of rust and/or corrosion. Site access shall be maintained to a level acceptable to the Duxbury Fire Chief and other public safety officials. The Town may continue to maintain driveways and parking areasthat exist at the time of the application. The owner, operator or property owner shall be responsible for the cost of maintaining the installation and any access road(s) installed by such party, unless accepted as a public way.
- Modifications: To the extent that modifications deviate from the approved site plan, modifications to a GMSP Installation made after issuance of the required building permit shall require review by the SPRA.
- 618.11.3 Monitoring and Reporting: The operator or owner of the GMSP Installation shall monitor the facility for correct and efficient operation and to detect degradation, incorrectoperation or other anomalies.
- 618.11.4 Clearing of Vegetation and Trees: The owner/operator of the GMSP Installation shall be responsible for maintaining the immediate area around the GMSP Installation by keeping vegetation, trees and any other growth trimmed for the operational life of the GMSP Installation. For the purpose of this section, trimming means:
- a. Grass or other ground vegetation no higher than 2 feet.
- b. Trees and bushes shall be maintained to eliminate additional solar shading, to ensure safe access, to prevent damage caused by weather (wind, rain, snow, etc.) if a tree or bush is in danger of falling across an array and to present a clean and professional aesthetic appearance.

# 618.12 Abandonment and Decommissioning

Removal Requirements: Any GMSP Installation that has reached the end of its useful life or has been abandoned consistent with Section 618.12.2 "Abandonment" shall be removed by the owner or operator. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the SPRA by certified mail of the proposed date of discontinued

operations and plans for removal. Decommissioning shall consist of:

- a. Unless requested otherwise by the property owner, physical removal of all structures, equipment, security barriers and transmission lines associated with the GMSP Installation from the site.
- b. Disposal of all solid and hazardous waste associated with the decommissioning of the GMSP Installation in accordance with local, state, and federal waste disposal regulations
- c. Stabilization or re-vegetation of the site of the GMSP Installation as necessary to minimize erosion. The SPRA may allow the owner or operator to leave landscaping or designated below-grade foundations and conduit in order to minimize erosion and disruption to vegetation.

#### 618.12.2 Abandonment

Absent written notice by the owner or operator to the SPRA of a proposed date of decommissioning or written notice by the owner or operator requesting an extension due to extenuating circumstances, the GMSP Installation shall be deemed abandoned when it fails to operate or operations are discontinued for more than one (1) year without the written consent of the SPRA.

; or take any other action related thereto.

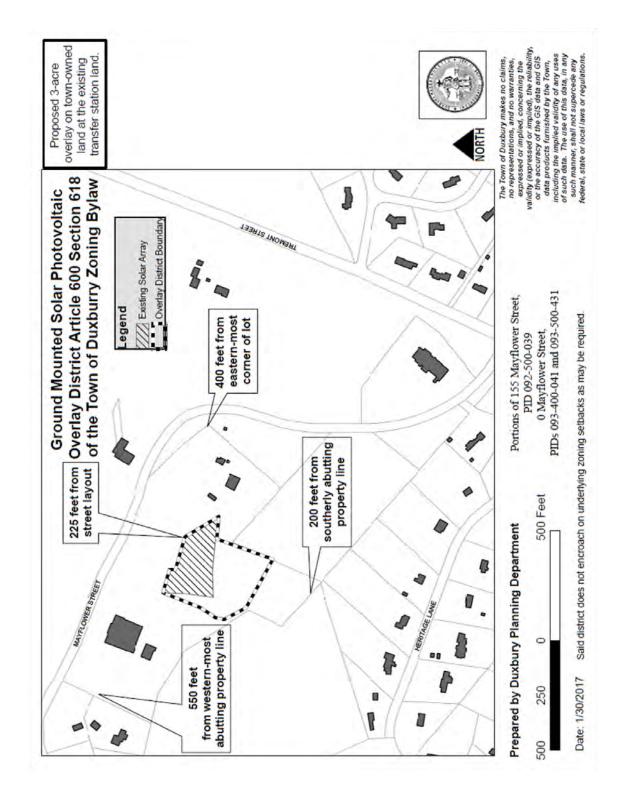
Proposed by Alternative Energy Committee

**Explanation**: The Town of Duxbury is seeking to become eligible to be designated as a Green Community through the Massachusetts Office of Energy and Environmental Affairs. The Green Communities Designation and Grant Program helps municipalities navigate and meet the five criteria required to become a Green Community, in turn qualifying them for grants that finance additional energy efficiency and renewable energy projects at the local level. Adoption of the Stretch Code, and the byright Solar Overlay District, will satisfy two of the five required criteria. The Metropolitan Area Planning Council (MAPC) has secured a Municipal Energy Technical Assistance (META) Grant through which the Town of Duxbury is receiving assistance to prepare its application to the state, and to facilitate the planning necessary to submit the application, during 2017. Funding assistance for an upcoming school renovation may become eligible for assistance under the Green Communities Designation.

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

Please refer to the map on the subsequent page.



# ARTICLE 36 - AMEND GENERAL BYLAWS - STRETCH ENERGY CODE

To see if the Town will amend the General Bylaws by adding a new Chapter 7.21 of the Duxbury General By-Laws, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of April 1, 2017, as follows:

# Chapter 7.21 Stretch Energy Code

#### 7.21.1 Definitions

International Energy Conservation Code (IECC) – The IECC is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code and the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8<sup>th</sup> edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the IECC to improve the energy efficiency of buildings built to this code.

#### 7.21.2 Purpose

The purpose of the Stretch Energy Code (780 CMR 115.AA) is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

# 7.21.3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51 as applicable.

#### 7.21.4 Stretch Code Enforceability

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future additions, amendments or modifications, is herein incorporated by reference into the Town of Duxbury General By-Laws, Chapter 7.21.

The Stretch Code is enforceable by the inspector of buildings or building commissioner or local building inspector.

; or take any other action related thereto.

#### Proposed by Alternative Energy Committee

**Explanation:** The Town of Duxbury is seeking to become eligible to be designated as a Green Community through the Massachusetts Office of Energy and Environmental Affairs. The Green Communities Designation and Grant Program helps municipalities navigate and meet the five criteria required to become a Green Community, in turn qualifying them for grants that finance additional energy efficiency and renewable energy projects at the local level. Adoption of the Stretch Code, and the byright Solar Overlay District, will satisfy two of the five required criteria. The Metropolitan Area Planning Council (MAPC) has secured a Municipal Energy Technical Assistance (META) Grant through which the Town of Duxbury is receiving assistance to prepare its application to the state, and to facilitate the planning necessary to submit the application, during 2017. Funding assistance for an upcoming school renovation may become eligible for assistance under the Green Communities Designation.

Recommendations: Board of Selectmen Voted 3-0 to Recommend Finance Committee Voted 6-1 to Recommend

# ARTICLE 37 – AMEND GENERAL BYLAWS - CHAPTER 12 LOCAL HISTORIC DISTRICT BYLAW

To see if the Town will modify Chapter 12 of the Duxbury General By-Laws, entitled "Local Historic District Bylaw," for the purpose of making reference to a single local historic district map entitled "Official Local Historic District Map of the Town of Duxbury," and to adopt the Official Local Historic District Map by making reference to same, and further to authorize the Town Clerk to make non-substantive numbering changes to this By-law in order to make numbering conform to the numbering format on the General By-laws, to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

Chapter 12 Local Historic District Bylaw

# 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

"District"

The Local Historic District as established—in 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.

"Official Local Historic District Map of the Town of

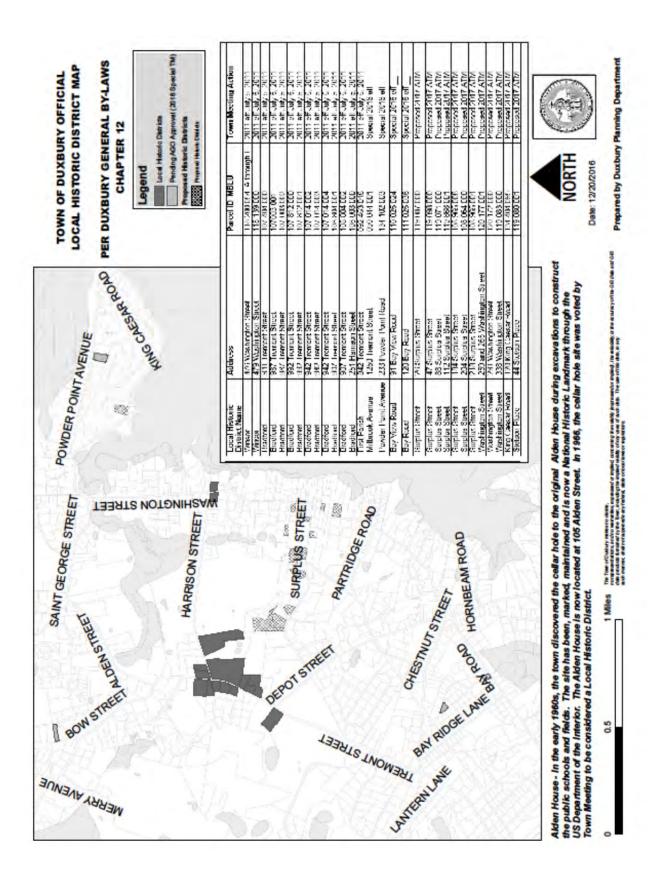
Duxbury"

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.

#### 12.3 District

The District shall consist of one or more District areas as listed in Section 14 (Appendices) of 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.

# 12.14. Appendices – strike in its entirety.



;or take any other action relative thereto.

Proposed by Duxbury Historic District Commission

**Explanation:** This is essentially a housekeeping article. The Town of Duxbury's Local Historic District Commission has seen several property owners stepping up to become official local historic districts in the Town. The original General Bylaw language referenced three local historic districts by address and map; however, with four additional properties in 2016, and the new districts proposed at the 2017 Annual Town Meeting, thirty (30) districts will have become established, with Assessor Parcel ID and street address changes also having taken effect in some cases. An Official Map of the districts which: can be updated as new districts become official, list pending and approved districts, can be printed at a large scale, and maintained on the Town's GIS databases, is a more suitable arrangement. The new map makes no changes to the physical location of the approved historic districts as voted by Town Meeting through the General Bylaw.

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

Recommendations: Board of Selectmen Voted 3-0 to Recommend

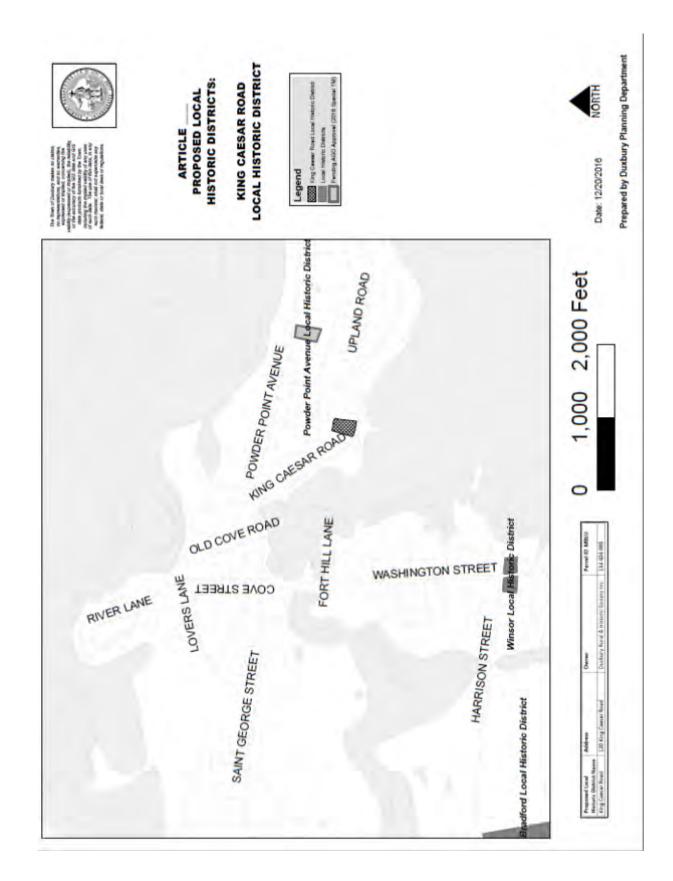
Finance Committee Voted 7-0 to Recommend

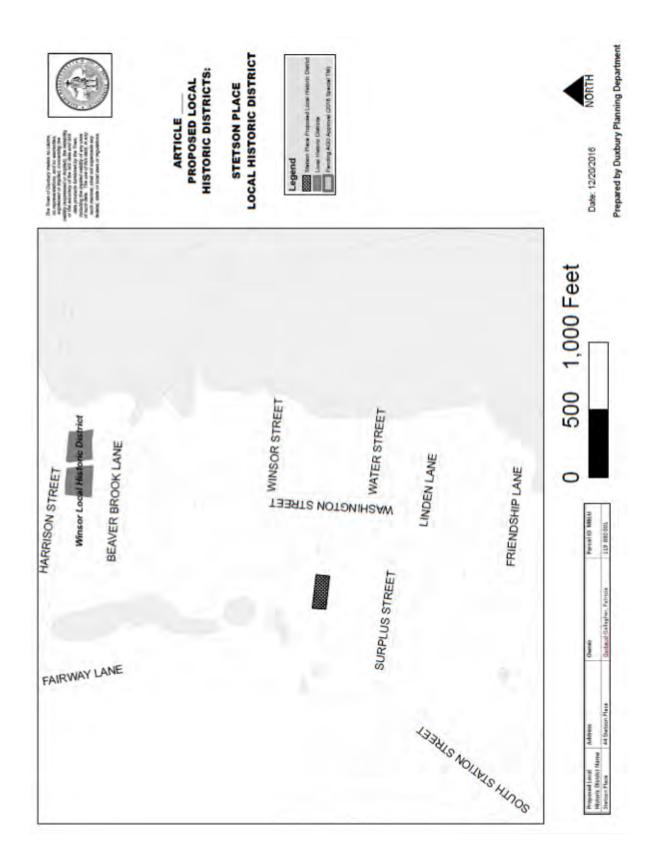
# <u>ARTICLE 38 – PROPOSED NEW LOCAL HISTORIC DISTRICTS</u>

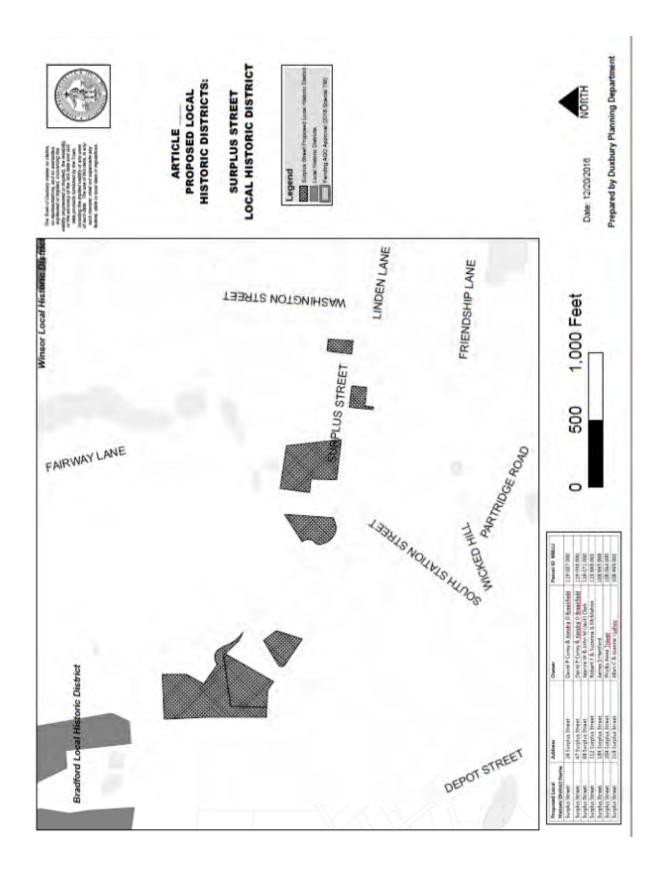
To see if the Town will create the following new local historic districts to be administered through the Duxbury General Bylaw, Chapter 12:

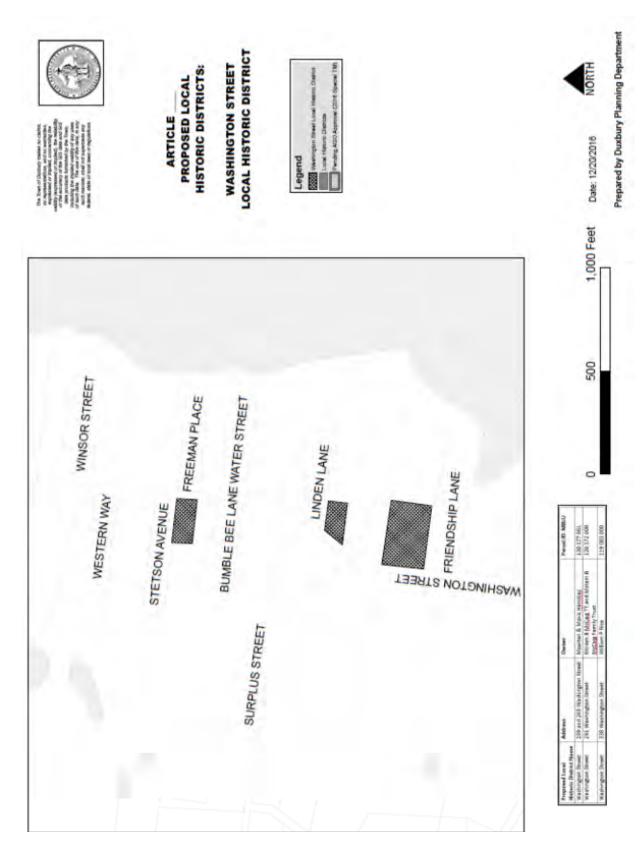
	<b>Proposed Local</b>	Address	Owner	Parcel ID
	Historic District Name			MBLU
1	Surplus Street	26 Surplus Street	David P Corey & Xandra O Breakfield	119 087 000
2	Surplus Street	47 Surplus Street	David P Corey & Xandra O Breakfield	119 098 000
3	Surplus Street	88 Surplus Street	Jeanne W & John M (Jack)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

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; on file with the Town Clerk and which may be viewed at: <a href="http://www.town.duxbury.ma.us/Public Documents/DuxburyMA">http://www.town.duxbury.ma.us/Public Documents/DuxburyMA</a> bcomm/DLHD Report 2017 Propose d.pdf









; or take any other action in relation thereto.

Proposed by the Duxbury Historic District Commission

**Explanation:** The Duxbury Historic District Commission is proposing the creation of twelve (12) 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

# <u>ARTICLE 39 - AMEND ZONING BYLAWS – REVISIONS TO SECTION 570 AFFORDABLE HOUSING</u>

To see if the Town will amend the Duxbury Zoning By-laws by deleting the existing Section 570 - Affordable Housing in its entirety and replacing it with the following, and further, that non-substantive changes to the numbering of this By-law are authorized in order to make the numbering conform to the numbering format of the Bylaw; or take any other action in relation thereto.

#### 570 AFFORDABLE HOUSING

# 570.1 Purpose

The purposes of this Section 570 are to provide for affordable housing on qualified pre-existing non-conforming lots as defined hereunder, and to allow construction of affordable housing units to meet the needs of present and future residents of the Town with low and moderate incomes. The Planning Board shall be the Special Permit Granting Authority (SPGA) for purposes of this Section 570.

#### 570.2 Definitions

- 1. Affordable Housing Unit: See Section 560.2.1.
- 2. Low and Moderate Income Household: A household with income not exceeding eighty percent (80%) of the median household income, adjusted for household size, in the metropolitan or non-metropolitan statistical area that includes the Town of Duxbury, as determined by the U.S. Department of Housing and Urban Development (HUD).
- 3. Qualified Affordable Housing Unit Purchaser: See Section 560.2.2.
- 4. Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Duxbury, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of Massachusetts General Laws Chapter 184, Sections 31-33. The Duxbury Affordable Housing Trust shall have authority to accept and hold affordable housing restrictions on behalf of the Town.

- 5. Upland Area: All lands not defined as wetlands.
- 6. Appraised Value: An opinion of value developed by a Massachusetts licensed real estate appraiser that conforms to the Uniform Standards of Professional Appraisal Practice (USPAP).

# 570.3 Planning Board Rules and Regulations

The Planning Board may adopt rules and regulations to administer this Section 570, including submission requirements and procedures.

# 570.4 Special Permit Criteria for Eligible Lots

The Planning Board may grant a special permit to allow construction of one Affordable Housing Unit on a lot in the Residential Compatibility (RC) District or Planned Development (PD) District provided the following criteria are satisfied:

- 1. Pre-Existing Lot: Eligible parcels must have existed as a separate lot of record prior to March 8, 2008. No landowner shall be eligible for more than one (1) Affordable Housing Unit lot from a single parcel of land, or from adjoining parcels of land in common ownership, based on the ownership status of the land as determined by instruments and plans on file at the Plymouth County Registry of Deeds or Registry District of the Land Court as of the March 8, 2008. No lot used for an Affordable Housing Unit shall be further divided. The Planning Board shall note such limitations, with a description of the land affected by such limitations, in its written decision.
- 2. Dimensional Requirements: Eligible lots must meet the following minimum dimensional requirements prior to the March 8, 2008:
  - a) Lot Area: Eligible lots must have a minimum ten thousand (10,000) square feet of Upland Area;
  - b) Continuous Frontage: Eligible lots must have twenty-five (25) feet of continuous frontage on a public way.
  - c) Setbacks: All setbacks shall meet the requirements set forth in Section 410.4, unless specifically waived by the Planning Board.
- 3. Access: The applicant shall provide safe access for public safety vehicles and personnel to the dwelling unit to be constructed on the lot, and the intersection of such access driveway to the public way shall be placed across the frontage in the best location available to the applicant, unless waived by the Planning Board.
- 4. Dwelling Unit Size and Coverage: The size of a dwelling unit and number of bedrooms in the Aquifer Protection Overlay District (APOD) shall meet the requirements of Section 406 of the Zoning By-laws, unless waived by the Planning Board.
- 5. Minimum and Maximum Dwelling Unit Size: The Planning Board may establish by regulation minimum and maximum dwelling unit sizes.

- 6. Purchase or Rent: The Affordable Housing Unit permitted by this Section 570 shall be restricted for purchase or rent by Low and Moderate Income Households only in accordance with the standards set forth herein.
- 7. Parking: All private parking areas shall be contained entirely on the property.
- 8. Plans: The applicant shall submit, along with the special permit application, a surveyed site plan depicting the proposed Affordable Housing Unit and lot layout. The plan shall be prepared by a registered land surveyor, and shall be in such form as will be required for recording with the Plymouth County Registry District of the Land Court.

All other requirements of this By-law not inconsistent with the provisions of this Section shall remain in full force and effect.

#### 570.5 Use Restrictions

Any Affordable Housing Unit created under this section shall be subject to an Affordable Housing Restriction that meets the requirements of the Department of Housing and Community Development (DHCD), or any successor agency, for inclusion in the Subsidized Housing Inventory (SHI) and any other applicable requirements of the Planning Board's Affordable Housing Special Permit Rules and Regulations. The Duxbury Affordable Housing Trust must approve the Applicant's lottery agent.

# 570.6 Maximum Incomes and Selling Prices: Initial Sale

- 1. The Sale of the Affordable Housing Unit shall be to a Qualified Affordable Housing Unit Purchaser in accordance with the Affordable Housing Restriction and, as applicable, the Planning Board's Rules and Regulations.
- 2. Maximum Housing Cost: The maximum purchase price for an Affordable Housing Unit under this By-law shall not exceed the maximum purchase price allowed for affordable units as established by the Massachusetts Department of Housing and Community Development's (DHCD), Local Initiative Program, or successor agency or program, as may be revised from time to time, or as determined by the Planning Board as a condition of the Affordable Housing Unit Special Permit.

### 570.7 Preservation of Affordability; Restrictions on Resale

- 1. Preservation of Affordability: The Affordable Housing Restriction for each Affordable Housing Unit created under this Section 570 shall have provisions governing resale of the Unit. The purpose of such provisions is to preserve the long-term affordability of the unit and to ensure its continued availability to Low and Moderate Income Households.
- 2. Right of First Refusal. The Affordable Housing Restriction shall grant the Town of Duxbury, the Duxbury Affordable Housing Trust, or DHCD or successor agency an option to purchase the Affordable Housing Unit, if a subsequent Qualified Purchaser cannot be located.

#### 570.8 Conflict with Other By-laws

The provisions of this Bylaw shall be considered supplemental to existing zoning bylaws. To the extent that a conflict exists between this Bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

570.9 Review by Special Permit Granting Authority

Prior to granting an Affordable Housing Unit Special Permit under this Section 570, the Planning Board shall make the following findings:

- a. The proposed Affordable Housing Unit shall be consistent with the general purpose and intent of the Zoning By-law.
- b. The increase in density resulting from the grant of a special permit will not have an adverse impact on the surrounding neighborhood.
- c. The placement of one Affordable Housing Unit on the non-conforming lot can be accomplished without jeopardizing public health or safety, and without detriment to the environment; and
- d. In determining whether to grant a Special Permit for development of an Affordable Housing Unit on a lot under this Section 570, and in determining what conditions, if any, to impose on such a Special Permit, the Planning Board may consider, among other things, circumstances relate to soil conditions, topography, lot history, wetlands, proposed building locations, public safety and convenience, and the public benefits provided by affordable housing in the community.

570.10 Severability

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of this Bylaw shall remain in full force and effect.

Proposed by the Duxbury Affordable Housing Trust and Board of Selectmen

**Explanation**: The purpose of this proposed amendment is to simplify and delete redundant and outdated verbiage, update the By-law to reflect the Town's establishment of an Affordable Housing Trust, change the setbacks in the existing By-law to match current zoning setback requirements, removing specific floor-area requirements to enable the Planning Board (as permit granting authority) to use its discretion, and provide the Planning Board with broader discretion in the permit process in certain elements including access, unit size and lot coverage.

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

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

# **ARTICLE 40 - STORMWATER MANAGEMENT CONSULTING SERVICES**

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for professional consulting services to develop stormwater design guidelines for the Town of Duxbury to

comply with to be expended under the discretion of the Town Manager; or take any action relative thereto.

Proposed by the Directors of Planning, DPW, Municipal Services; Health Agent; Water Superintendent and Conservation Administrator

**Explanation:** Development of Town Stormwater Design Guidelines is a step towards meeting mandatory requirements under EPA's stormwater program, and Duxbury's MS4 stormwater permit issued by the EPA. Duxbury is already implementing some of the requirements under this permit to help reduce pollution in the Bay. These Guidelines will be built into existing permitting processes, and reduce costs for permitting by having one uniform standard across all permitting at the local level. Town permitting agencies, boards and commissions (Conservation, Building, Planning, Health), the DPW and a professional consultant will work together with input from the community and local engineers to adopt local BMP preferences and standards across the Town.

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

# ARTICLE 41 – PROPOSAL TO SUPPORT REGULATIONS TO INCREASE THE PERCENTAGE OF ELECTRICITY SOLD TO CONSUMERS IN MASSACHUSETTS GENERATED USING CLEAN, CARBON-FREE ENERGY

To see if the Town will vote to support the Massachusetts Department of Environmental Protection's proposed regulations to increase the percentage of electricity sold to consumers in Massachusetts that is generated using clean, carbon-free energy by providing clean energy credits only to carbon-free electric power generators that began operations after December 31, 2010, and if approved, the Town Clerk shall forward the text of this Article to Governor Charles Baker, Secretary of Energy and Environmental Affairs Matthew Beaton, DEP Commissioner David Suuberg and the Town of Duxbury's State Representatives so that the intent of the Citizens of Duxbury is widely known, or take any other action in relation thereto.

Proposed by the Duxbury Nuclear Advisory Committee

**Explanation**: The Massachusetts Department of Environmental Protection ("MassDEP") is proposing a new regulation to increase the percentage of electricity sold to consumers in Massachusetts that is generated using clean energy – defined as carbon free. It requires electricity generators to annually demonstrate the use of carbon-free energy to generate a specified percentage of their electricity sales - for which it gets clean energy credits. A generator can meet its specified percentage by producing clean energy itself or by purchasing credits from other generators.

The primary purpose of the clean energy regulation is to enable Massachusetts to meet its carbon reduction goals by encouraging development of new low and zero-carbon emissions generation technologies. To achieve this goal, the Town of Duxbury supports the draft regulation's requirement that, for a generator to qualify as a clean generation unit, its initial commercial operation date shall be after December 31, 2010. Mass DEP recognized that giving assigning CES credits to existing power generators would not provide an incentive to reduce emissions. Pilgrim, for example, is a large generator that could earn a huge number of carbon-free credits. It likely would sell those credits to the dirtiest existing carbon-producing polluters so that they could meet their clean-energy requirement while continuing indefinitely to pollute our atmosphere. Giving credits to Pilgrim would provide it with a windfall subsidy, and would discourage the development here of new low and zero-carbon generators.

If given credits, Entergy likely will change its mind about closing Pilgrim in 2019, and decide to continue operating Pilgrim itself or to sell it to some other nuclear company such as Exelon. That is exactly what Entergy did in New York. It announced that Fitzpatrick (a nuclear reactor very similar to Pilgrim) would be closed in 2017. Then, when New York decided to give credits to Fitzpatrick, it abandoned any plans to close and sold Fitzpatrick to Exelon that plans to continue operation.

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

# <u>ARTICLE 42 – CITIZENS' PETITION - AMEND GENERAL BYLAWS – PLASTIC BAG BAN</u>

To see if the Town will vote to amend the General Bylaws by adopting a new bylaw entitled "Plastic Bag Ban" as follows; or to take any other action relative thereto:

#### **SECTION 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.

#### SECTION 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.

#### SECTION 3 - PLASTIC BAG BAN/PROHIBITION

No Establishment in the Town of Duxbury shall use or provide Carryout Bags to its customers. Establishments in the Town of Duxbury shall only provide Reusable Carryout Bags to its

customers. Nothing in this section shall be read to preclude any Establishment from using Recyclable Paper Bags at the point of sale.

# **SECTION 4 - ENFORCEMENT**

This By-law shall be enforced by the Board of Health or any designee or agent thereof, including determining the appropriate inspection process

All of the requirements set forth in this By-law shall take effect within six (6) months of the approval of the By-law by the Office of the Massachusetts State's Attorney General and satisfaction of the posting/publication requirements of G.L. c. 40, § 32. However, if a retail establishment cannot comply with the effective date of this By-law due to economic hardship, the establishment may petition the Board of Health for an extension of six (6) additional months in which to come into compliance.

This By-law may be enforced through any lawful means in law or in equity, including but limited to non-criminal disposition pursuant to G.L c.40, § 21D and the appropriate chapter of the Town's General By-laws. If a non-criminal disposition is elected, then any Establishment that violates this By-law shall be subject to the following penalties:

First Offense: Written Warning

Second Offense: \$50 fine Third Offense: \$100 fine Each Subsequent Offense: \$200 fine

All such fines shall be paid to the Town of Duxbury.

#### **SECTION 5 - SEVERABILITY**

If any provision of this By-law is determined to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this By-law, which shall remain in full force and effect.

Proposed by Citizen's Petition

Recommendations: Board of Selectmen Voted 2-0 to Recommend

Finance Committee Vote: Available at Town Meeting

# <u>ARTICLE 43 – CITIZENS' PETITION - AMEND ZONING BYLAWS – ARTICLE 400</u>

To see if the Town will amend its Zoning By-Laws (the Protective By-Law of the Town of Duxbury), Article 400 - Use, Intensity, Dimensional and Coverage Regulations for All Districts, Section 401.4 "Permitted Uses" in order to add a new Sub-section 401.4.4 as follows:

Provision of this By-Law, no more than one (1) single family dwelling or dwelling unit is permitted by right on any lot in any district. Nothing in this Sub-section implies that one (1) single family dwelling or dwelling unit is permitted in any district where this By-Law does not expressly so provide; however, nothing in this By-Law shall prohibit an Applicant from seeking and the Planning Board from issuing a Special Permit pursuant to Section 530.2.3, if such Application was filed on or before December 2, 2016.

A two thirds vote of Town Meeting is 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	_ day of <u>Ibruary</u> , 2017.
	BOARD OF SELECTMEN
	David J. Madigan, Chair  Theodore J. Flynn, Vice-Chair  Shawn Dahlen, Clerk
Plymouth ss:	
SERRUPPY 14	, 2017
	notified and warmed the inhabitants of the Town of

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.

Alen E hegy

CONSTABLE OF DUXBURY

A TRUE COPY ATTESTED

#### 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 <u>Duxbury registered voters</u> 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: <u>Board of Selectmen, Duxbury Town Hall, 878 Tremont Street, Duxbury, MA 02332</u>

NAME:	E-MAIL:
PHONE (H)	(C)
ADDRESS:	
OCCUPATION:	
Date of Submittal:	
Please attach additional sheet(s) providing backgroun	nd 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	<ul> <li>( ) Cultural Council</li> <li>( ) Duxbury Affordable Housing Trust</li> <li>( ) Economic Advisory Committee</li> <li>( ) Government Study Committee</li> <li>( ) Highway Safety Advisory Committee</li> <li>( ) Historical Commission</li> <li>( ) Local Historic District Comm.</li> <li>( ) Municipal Comm. On Disability</li> <li>( ) Nuclear Advisory Committee</li> <li>( ) Personnel Board*</li> <li>( ) Shellfish Advisory Committee</li> <li>( ) Water &amp; Sewer Advisory Board*</li> </ul>
Recreational Activities ( ) Fourth of July Committee	Finance
( ) Recreation Activities Committee	<ul><li>( ) Finance Committee*</li><li>( ) Fiscal Advisory Committee*</li></ul>
Government ( ) Board of Health ( ) Cemetery Trustees* ( ) Council on Aging	New & /or Temporary:  ( ) Zoning By-law Review Committee
Please indicate any other areas of interest	

<sup>\*</sup>Appointed by Town Moderator

# Town of Duxbury March 11, 2017 Town Meeting Article Amendment Form

No.:	<b>Date:</b>	
(Please print name and street address clearly)	, do hereby move that:	
_		
Town Clerk, Moderator, Proponent, Finance Commi	ttee Chair and Town Counsel	