

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

TOWN OF DUXBURY

***SATURDAY, MARCH 12, 2005
AT 9:00 A.M.***

DUXBURY SCHOOLS PERFORMING ARTS CENTER

ST. George Street

Please bring this warrant to Town Meeting

ANNOUNCEMENT FROM MUNICIPAL COMMISSION ON DISABILITY

The Annual Town Meeting will take place at the Duxbury Schools Performing Arts Center, St. George St. on March 12, 2005. 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 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.

ANNUAL TOWN MEETING WARRANT

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COMMONWEALTH OF MASSACHUSETTS

TOWN OF DUXBURY - TOWN MEETING

WARRANT

Saturday, March 12, 2005

at

9:00 a.m.

**DUXBURY SCHOOLS PERFORMING ARTS CENTER
ST. GEORGE 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, St. George Street, in said Duxbury on Saturday, the twelfth day of March, 2005 next, at 9:00 o'clock in the forenoon for the transaction of any business that may legally come before said meeting:

Article 1

To see what action the Town will take relative to the appointment of necessary officers not chosen by ballot,

or take any action in relation thereto.

(Board of Selectmen)

Article 2

To hear the reports of various Town Officers and Committees, or
take any action in relation thereto.

(Board of Selectmen)

Article 3

To fix the compensation of elected Town officers for the twelve month period beginning July 1, 2005 and raise and appropriate or transfer sufficient sums to pay the same,

or take any action in relation thereto.

(Board of Selectmen)

	Appropriated	Requested	BOS	Finance
	FY05	FY06	Recommend	Committee
				Recommend
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	\$58,000	\$60,000	*	*
TOTAL	\$68,040	\$70,040	*	*

Article 4

To see if the Town will raise and appropriate, and/or borrow in anticipation of receipt of state grants(s) or reimbursement(s), in accordance with M.G.L. Chapter 44, Sections 4 and 6A, any sum or sums of money to be used with such sum or sums as may be available from the State Highway Fund (or more commonly referred to as Chapter 90 Fund) or allotted by the County Commissioners for maintenance, together with the acquisition of easements and for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances,

or take any action in relation thereto.

(Board of Selectmen)

Article 5

To see if the Town will raise and appropriate, or transfer from available funds, including the Water Enterprise Fund, and the Community Preservation Act Fund, in accordance with M.G.L. Chapter 44B such sums of money as it determines necessary for Town expenses and charges, including, without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Town's departments and offices, all for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006 inclusive, in accordance with the following schedule, which is incorporated by reference herein (See operating budget on following pages),

or take any action in relation thereto.

(Finance Committee)

(See Specific Finance Committee Recommendations on Following Pages)

Article 6

To see if the Town will raise and appropriate, transfer from the Water 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 Capital Budget on following pages),

or take any action in relation thereto.

(Fiscal Advisory Committee)

(See Specific Fiscal Advisory Committee Recommendations on Following Pages)

Article 7

To see if the Town will vote to amend the Town By-law, known as the "Duxbury Personnel Plan", as originally accepted on March 12, 1955, and last amended as of March 13, 2004 by replacing it with a new revised By-Law, a copy of which is on file in the Town Clerk's Office, which revised By-Law is incorporated herein, to become effective July 1, 2005 and to raise and appropriate, 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.

(Personnel Board)

Article 8

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to fund the collective bargaining agreements with any one or more of the following employee organizations for the fiscal year commencing July 1, 2005:

- Duxbury Police Association
- Service Employees International Union, AFL-CIO Local 285 (Library Employees)
- Local 2167 International Association of Firefighters A.F.L.-C.I.O.
- Public Safety Dispatchers, Local 1700, Council 93, AFSCME
- Municipal Service Workers, Local 1700, Council 93, AFSCME
- Service Employees International Union, AFL-CIO Town Hall Clerical Employees
- Local 1700, AFSCME, AFL-CIO - Custodians
- Massachusetts Teachers Associations:
 - Unit A Teachers
 - Unit B Instructional Assistants
- Duxbury Secretaries/Clerks Association (School)
- Cafeteria Association, AFSCME,

or take any action in relation thereto.

(Board of Selectmen) (School Committee)

Article 9

To see if the Town will vote to 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 the migratory shorebird refuge at High Pines and excluding the land at High Pines

leased to a third party) and authorize the Board of Selectmen to execute a lease in the name and on behalf of the Town, for a period beginning on July 1, 2005 and ending June 30, 2006 on such terms as the Board of Selectmen may approve,

or take any action in relation thereto.

(Board of Selectmen)

Article 10

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in order to fund the Senior Tax Relief Program to provide senior citizens real estate vouchers for services rendered pursuant to an agreement between the Council on Aging and the Board of Selectmen,

or take any action in relation thereto.

(Council on Aging/Board of Selectmen)

Article 11

To see if the Town will vote to authorize a revolving fund under M.G.L. Chapter 44, Section 53E 1/2 to authorize the Council on Aging to be credited with all fees and charges received from the Senior Center Programs in an amount not to exceed \$40,000 to be expended under the direction of the Council on Aging Director, for Senior Center programs, functions, supplies and/or instructor fees,

or take any action in relation thereto.

(Council on Aging)

Article 12

To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts pursuant to section 8 eight of article 89 of the amendments to the state Constitution and Chapter 43B of the M.G.L., to enact special legislation providing for a change in the composition of the Town of Duxbury Board of Selectmen, to increase the number of selectmen from three (3) to 5 (five). Said special law to be subject to approval by a majority vote at the first Town election held following its enactment.

(Citizens Petition)

Article 13

To see if the Town will vote to authorize and direct the Town Moderator to appoint an independent and impartial Citizen Oversight Committee comprised of six civilian citizens to be appointed at large to investigate all complaints received against the Duxbury Police Department. Said Citizens Oversight Committee upon conclusion of investigation to prepare Committee findings and recommendations in writing.

(Citizens Petition)

Article 14

To see if the Town will vote to authorize and direct Tom Daley, Director of the Department of Public Works in the best interest of public safety to remove a large rotting and dangerous maple tree that has stress cracks located in front and protruding over of 88 Chestnut Street, a main road to the center of Town that has a high volume of traffic daily and is a public right of way of which the public and citizens of Duxbury have the right of access.

(Citizens Petition)

Article 15

To see if the Town will vote to appropriate upon recommendation of the Community Preservation Committee a sum of money for the purpose of meeting the requirements of the Community Preservation Act, M.G.L., Chapter 44B, Section 6, for the purposes of Open Space, Community Housing (Affordable) and Historic Resources (Preservation) and to meet this appropriation, transfer a sum of money from the Community Preservation Act Fund(s),

or take any other action relative thereto.

(Community Preservation Committee)

Article 16

To see if the Town will vote to appropriate upon recommendation of the Community Preservation Committee a sum of money for the purpose of reconstructing and rehabilitating the historic Wright Building located on St. George Street and to meet said appropriation transfer a sum of money from the Community Preservation Fund, or further authorize the Treasurer, with approval of the Board of Selectmen, to borrow a sum of money pursuant to M.G.L. Chapter 44 and further to authorize the Town Manager to expend a sum of money from the Community Preservation Fund for the purposes of this article,

or take any action in relation thereto.

(Community Preservation Committee)

Article 17

To see if the Town will vote to appropriate upon recommendation of the Community Preservation Committee a sum of money, for the purpose of reconstruction and rehabilitation, of the historic Bluefish River Firehouse located on Washington Street and to meet said appropriation transfer from the Community Preservation Fund available funds and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money pursuant to M.G.L. Chapter 44 and further to authorize the Town Manager to expend a sum of money from the Community Preservation Fund for the purposes of this article

or take any action in relation thereto.

(Community Preservation Committee)

Article 18

To see if the Town will vote to appropriate upon recommendation of the Community Preservation Committee a sum of money, for the purpose of installing irrigation, on the Town Green located on Washington Street and to meet said appropriation transfer from the Community Preservation Fund available funds and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money pursuant to M.G.L. Chapter 44 and to authorize the Town Manager to expend sums of money from the Community Preservation Fund for the purposes of this article

or take any action in relation thereto.

(Community Preservation Committee)

Article 19

To see if the Town will vote to authorize a revolving fund under M.G.L. Chapter 44 Section 53E½ to authorize the Conservation Commission to be credited with all fees and charges received from the Jaycox Christmas Tree Farm in an amount not to exceed \$10,000 to be expended under the direction of the Conservation Administrator for supplies and any needs of the Jaycox Christmas Tree Farm.

or take any action in relation thereto

(Conservation Commission)

Article 20

To see if the Town will vote to amend its General By-laws, Chapter 9 (Wetlands Protection) Section 9.1.13 to add the following language to the last sentence of this section:

Acting under M.G.L. Chapter 40 Section 8C and M.G.L. Chapter 44 Section 53G

So the last sentence shall read “Fees are to be established by the Conservation Commission acting under M.G.L. Chapter 40 Section 8C and M.G.L. Chapter 44 Section 53G.”

or take any action in relation thereto

(Conservation Commission)

Article 21

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Conservation Fund and to be used under the direction of the Conservation Commission for any purpose authorized by M.G.L. Chapter 40, Section 8C

or take any action in relation thereto.

(Conservation Commission)

Article 22

To see if the Town will vote to amend the 1975 Annual Town Meeting vote naming the publicly owned land bounded by Congress, Keene, Summer and Cross Streets and King Phillips Path as Trout Farm and instead name this area the Lansing Bennett Forest.

or take any action in relation thereto.

(Conservation Commission)

Article 23

To see if the Town will vote to amend the General By-laws of the Town of Duxbury by adding a new Chapter 6.15 Duxbury Bay Management Commission (DBMC) to read as follows:

6.15 Duxbury Bay Management Commission

6.15.1 The Duxbury Bay Management Commission shall consist of nine members appointed by the Board of Selectmen, to three year staggered terms. In appointing members, the Selectmen shall consider individuals representing varied interests of the Bay including but not limited to aquaculture, boating, commercial and not-for-profit waterfront users, ecology, shellfish and finfish and other residents at large whose experience will enhance the diversity of the Commission.

6.15.2 The mission of the Duxbury Bay Management Commission is: To implement and maintain a management plan that will enhance and preserve the ecological health, pristine waters and the natural beauty of Duxbury Bay for future generations while sustaining harmony among all its uses.

6.15.3 The Duxbury Bay Management Commission shall have the following powers and duties:

- 1) Evaluate and review any proposed change in Bay use and access, inclusive of structures and all Bay related issues requiring the action of the Board of Selectmen (BOS), Duxbury Conservation Commission (DCC), Zoning Board of Appeals (ZBA), Planning Board (PB), Harbormasters Office (HM) and the Board of Health (BOH) involving Coastal Resource Areas as defined M.G.L. c.131 §140 and the Town of Duxbury Wetlands Bylaw (Chapter 9 General By-laws of the Town of Duxbury).
 - i) Bay related issues and proposed changes will be evaluated at a minimum in terms of impacts on the following;
 - (a) public safety, health and welfare
 - (b) ecology and sensitive receptors including wildlife
 - (c) uses and appropriateness of uses and access
 - (d) scenic views and aesthetic issues
 - (e) levels of public and private services
 - (f) supporting landside infrastructure

- ii) Based on the above evaluation, the commission shall make recommendations and comments to the responsible regulatory or policy setting authorities.
- 2) Recommend changes to regulations and policies. Submit recommendations and comments to the Board of Selectmen, Town Meeting and other regulatory authorities to change Town Bylaws, regulations and policies as needed to achieve the plan mission.
- 3) Provide a forum for dispute resolution for projects and use impacts and conflicts on the Bay.
- 4) Develop and implement a restoration, enhancement and management program to maintain and restore the Bay ecology and harmony among its uses by:
 - (a) Maintaining a central repository of environmental health indicators and uses.
 - (b) Providing ongoing monitoring of environmental health indicators
 - (c) Convening integrated work groups to identify prioritize and address Bay ecology and use issues.
 - (d) Developing program to install best management practices for Town storm drain systems and other non-point sources of pollution.
 - (e) Providing project management to supplement existing Town staff for ecological and other Bay related projects.
 - (f) Seeking funds and grants for implementation of projects.
 - (g) Supporting existing and developing new education and outreach programs to:
 - 1. Educate the next generation of Bay stewards
 - 2. Inform users of their impacts and responsibilities
 - 3. Support Bay Projects
- 5) Maintain the plan as a living document to guide the work of the DBMC by:
 - (a) Using the Plan as a guide in all the commission's recommendations, plan updates and activities.
 - (b) Reviewing and updating the Plan at a minimum every five years
 - (c) Incorporating proposed Plan changes on an ongoing basis as needed.
 - (d) Appointing subcommittees or work groups to further study issues identified in original Plan and by the DBMC.
- 6) Recognize the Bays' interdependence and explore cooperative Bay management with the Towns of Kingston and Plymouth.

6.15.4 With approval of Town Meeting, the DBMC shall have the authority to hire staff and/or consultants using private and public grants and other appropriations.

And to further amend Chapter 9 Wetlands Protection of the General Bylaws of the Town of Duxbury by inserting the following in section 9.1.6., after the last sentence in this section:

“The Duxbury Conservation Commission shall within 3 days of receiving a request for a determination or a notice of intent for the proposed activities within a coastal resource area, as defined in Chapter 131, section 40 of the M.G.L. or as determined by the Duxbury Conservation

Commission, request that the Duxbury Bay Management Commission provide written comments and recommendations before taking final action on said request for determination or notice of intent.”

or take any action in relation thereto.

(Board of Selectmen)

Article 24

To see if the Town will vote to amend the Duxbury Protective Bylaw, Section 404.8 Special Permit Procedures, item 1, by inserting the following language, “**the Duxbury Bay Management Commission,**” in the first sentence after “Conservation Commission,” so the section reads:

The Board of Appeals shall refer a Special Permit application to the Conservation Commission, **Duxbury Bay Management Commission**, the Board of Health and the Planning Board for written comments and recommendations before taking final action on said special permit application. In addition to the above noted boards, the Board of Appeals may refer a special permit application to any other Town agency/board/department for comments and recommendations if it so desires before taking final action on said permit application.

And to further amend Duxbury Protective Bylaw, Section 906.4 Referral, by inserting the following language, “**the Duxbury Bay Management Commission,**” in the first sentence after “Conservation Commission,” so the sentence reads:

In addition to those applications for a Special Permit which require site plan approval under Section 615, the Special Permit Granting Authority shall refer a Special Permit application to the Board of Appeals, Board of Health, Conservation Commission, **Duxbury Bay Management Commission**, Planning Board, Water Advisory Board and Design Review Board for written comments and recommendations before taking final action on said permit application.

And to further amend the Duxbury Protective Bylaw, Section 615.7 Required Procedures for Site Plan Review, by inserting the following language, “**the Duxbury Bay Management Commission,**” in **615.7(2.)** after “Conservation Commission,” so that Section 615.7(2.) reads:

Within five (5) working days of receiving a Site Plan, the Planning Director or his/her designee shall distribute copies of the Site Plan to the Planning Board, Department of Public Works, the Police Department, the Fire Department, Highway Safety Committee, the Conservation Commission, **the Duxbury Bay Management Commission**, and the Board of Health. If the proposed activity requires a special permit, the special permit granting authority shall receive a copy of the Site Plan.

or take any action in relation thereto.

(Board of Selectmen)

Article 25

To see if the Town will raise and appropriate, accept grant monies or appropriate from available funds, including the Emergency Planning Funds provided to the Town annually from Entergy, a sum of money to obtain and to stockpile 3-M type masks in the schools in a quantity sufficient to provide for (a) each student and staff member, and (b) in the emergency shelters in a quantity sufficient to provide for the maximum capacity of each shelter and to stockpile appropriate protective gear for Duxbury's emergency personnel who must be outside to perform their duties during a radiological emergency

or take any action in relation thereto.

(Duxbury Nuclear Advisory Committee)

Article 26

To see if the Town will raise and appropriate, accept grant monies or appropriate from available funds, including the Emergency Planning Fund provided to the Town annually from Entergy, a sum of money to obtain message board for the Duxbury Emergency Management use and other public safety purposes,

or take any action in relation thereto.

(Duxbury Nuclear Advisory Committee, Fire Chief and
Director Department of Public Works)

Article 27

To see if the Town will adopt the following:

THE TOWN OF DUXBURY OPPOSES RE-LICENSING PILGRIM NUCLEAR POWER STATION TO OPERATE UNTIL 2032 UNLESS THE FOLLOWING IS REQUIRED, ACCOMPLISHED, AND CERTIFIED TO BE IN PLACE BY THE LICENSEE AND NRC

- On-site security heightened to prevent: an air attack on the main reactor building, spent fuel pool and/or critical support structures by a large or small aircraft loaded with fuel or explosives; a floating explosive or underwater charge from entering the in-take canal; an attack by water or land from a force comparable in size and strength to 9/11. The adequacy of these security improvements must be approved by a panel of experts independent of the nuclear power industry.
- Safer storage of spent radioactive fuel rods until all spent rods are moved off site - low density pool storage and hardened dispersed dry cask storage, as approved by Annual Town Meeting, 2004.

- Reduction of allowable radioactive emissions into our air and water so that the biological impact is no greater than that allowed from the releases from a chemical plant licensed today.
- Verification of releases by monitors – computer linked to state and local authorities – at all points where radiation is released from Pilgrim and at appropriate off-site locations.
- Replace the current water cooling system that draws in half-billion gallons of water a day and releases it at 30 degrees above Bay temperatures disrupting the ecosystem, with one not harmful to marine life – a closed cooling system.
- Updated emergency planning for the new security environment we face today, to protect against an attack or other fast breaking accident resulting in major consequence and accounts for the increased population density in Southeastern Massachusetts.
- Pilgrim’s re-licensing process is expanded to include (a) a formal review of the differences between the safety regulations that Pilgrim is required to meet and the safety regulations that would be required if a new reactor was to be built today; and (b) a review of its aging management program.

The Clerk of Duxbury shall forward the text of this Article to the Town of Duxbury’s State and federal delegation, to all Select Boards within the Emergency Planning Zone of Pilgrim NPS, the Nuclear Regulatory Commission and Entergy Corp., so that the intent of the Citizens of Duxbury is widely known.

or take any action in relation thereto.

(Nuclear Advisory Committee)

Article 28

To see if the Town will vote to authorize the Board of Selectmen to exchange rights of way with First Parish Church as outlined on a map on file in the Office of the Town Clerk.

or take any other action in relation thereto.

(Board of Selectmen/DPW Director)

Article 29

To see if the Town will vote to amend the Duxbury Protective Bylaw in Article 300 Section 302 (Definitions) by inserting in the appropriate alphabetical order the following new definitions to read as follows:

Bed and Breakfast Establishment – A structure originally built as a dwelling, in which the operator maintains a place of principal residence, not having more than four (4) guest rooms, wherein the daily rental rate for a room(s) includes limited meals. Hotels, motels, inns, lodging houses (boarding houses) shall not be classified as bed and breakfast establishments.

Guest House – an attached or detached structure solely used to accommodate houseguests of the occupants of the principal building staying for a short period of time paying no rent or offered for rent and having no kitchen facilities.

Kitchen – any room or portion of a room intended to be used or designed to be used for cooking or the preparation of food. The presence of utility connections suitable for serving kitchen appliances shall be considered as establishing a kitchen.

or take any other action in relation thereto.

(Planning Board)

Article 30

To see if the Town will vote to amend the Duxbury Protective Bylaw and Zoning Map by adopting a revised Flood Insurance Rate Map entitled “Town of Duxbury, Massachusetts, Plymouth County”, dated 5/17/05, as prepared by the Federal Emergency Management Agency (FEMA) and on file with the Town Clerk and further to amend Section 202.2.9 by substituting the map referenced thereto with the new title and date of the revised Map.

or take any action in relation thereto.

(Planning Board)

Article 31

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended under the direction of the Town Planner for the purpose of accomplishing a traffic improvement and mitigation plan for the following corridors of concern:

- The Tremont Street/Bennett’s business area (running from Route 3 ramps to the intersection of Oak and Parks Streets)
- The Snug Harbor business area (running from Winsor Street to Long Point Lane)
- Cox Corner and intersection – (Tremont Street/Church /Enterprise streets)
- Bailey’s Corner and intersection – (Tremont/Chestnut/Tobey Garden)

And further to authorize the Town to accept any available grants.

or take any action in relation thereto.

(Planning Board)

Article 32

To see if the Town will vote to amend the Duxbury Protective Bylaw in Sections 300 and 400, relative to the establishment of an affordable accessory apartment bylaw within the Town of Duxbury, the proposed language to read as follows:

Amend ZBL Section 302 by inserting the following definitions within the existing section in alphabetical order:

Affordable Accessory Apartment:

A secondary, self contained dwelling, that is affordable to and occupied by a low-or moderate-income household or relative by blood or marriage and is eligible for inclusion under the M.G.L. Chapter 40B Subsidized Housing Inventory through the Local Initiative Program (LIP).

Local Initiative Program (LIP):

A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low-and moderate-income housing.

Maximum Affordable Rent:

Monthly rent, exclusive of utilities, that does not exceed 30% of the monthly income of a household as determined by the Local Initiative Program (LIP).

Qualified Renter:

A household or relative by blood or marriage with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Duxbury as determined annually by the U.S. Department of Housing and Urban Development (HUD) that rents and occupies an affordable accessory apartment unit.

Subsidized Housing Inventory

The Department of Housing and Community Development Subsidized Housing Inventory provided in 760 CMR 31.04

Amend ZBL section 410.1 “permitted uses” add a new section 410.7 Affordable Accessory Apartment (see ZBL section 410.6)

Add New section 410.7 Affordable Accessory Apartment:

1. Purpose:

The purpose of this By-law is to assist in the Town of Duxbury’s overall housing strategies to provide affordable housing opportunities to low and moderate income residents of Duxbury.

2. General:

An affordable accessory apartment unit is a secondary, self-contained apartment that may be allowed in conjunction with a detached single-family dwelling, in an accessory structure attached thereto, or above a detached garage/barn. An accessory apartment unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory

apartment unit generally has its own outside entrance, a separate kitchen, bathroom and sleeping area. An affordable accessory apartment shall qualify for inclusion in the Subsidized Housing Inventory under M.G.L. c.40B, Sections 20-23, as low-or moderate-income housing unit.

3. Applicability:

An affordable accessory apartment that meets the requirements of this By-law shall be permitted in a single-family dwelling, in an accessory structure attached thereto, or above a detached garage/barn located on the same lot as a single-family dwelling in the Residential Compatibility District. Single-Family dwellings authorized under a Special Permit from the Board of Appeals or Planning Board for a Planned Development or Residential Conservation Cluster shall be ineligible for an affordable accessory apartment.

4. Procedural Requirements:

An application for an affordable accessory apartment shall be filed with the Building Inspector. At the time of submitting the building application, the applicant shall include proof of mailing by certified notice to direct abutters, including direct abutters across a street, a copy of the building application. Requirements as to compliance with the Massachusetts Building Code and other guidelines shall be obtained from the Building Department with the application. No affordable accessory apartment shall be constructed without a building permit from the Building Inspector as provided herewith in this By-law and subsequent provisions. No more than fifteen (15) new building permits for affordable accessory apartments shall be issued in a single calendar year.

5. Density and Dimensional Requirements:

- a. An affordable accessory apartment is permitted in accordance with subsection 410.7 (3) on a lot exceeding 20,000 square feet in a Residential Compatibility District. Only one affordable accessory apartment is permitted per lot.
- b. The living space in an affordable accessory apartment shall not exceed 1200 square feet of net living area or 40% of the total gross floor area of the primary dwelling or accessory structure in which it is located, and shall contain a maximum of two bedrooms.
- c. The owner of the property must occupy either the primary single-family dwelling or the affordable accessory apartment as their permanent legal residence.
- d. To the extent possible the affordable accessory apartment shall be designed so that the appearance of the single-family residence and/or detached garage remains the same.
- e. One private off-street parking space shall be available for use by the occupants of the affordable accessory apartment in such a manner so as not to impede emergency access to any habitable structures on the lot.
- f. The septic system serving the affordable accessory apartment shall be certified by the Board of Health that the existing or proposed septic system and expansion area complies with all applicable standards of Title V, Duxbury Board Health rules and regulations and is capable of serving both the single-family dwelling and the affordable accessory

apartment. If the property is serviced by sewer, an application for increased flow must be approved by the Duxbury Sewer Commissioners prior to the issuance of a building permit for the affordable accessory apartment.

- g. The affordable accessory apartment unit shall be secured by an affordable housing use restriction or a regulatory agreement and/or declaration of restrictive covenants, in a form that meets the approval of the Local Initiative Program (LIP) and endorsed by all parties and then recorded at the Registry of Deeds. For units located in the Residential Compatibility District, the use restriction shall be revocable upon sale of the principal residence, after a minimum of five (5) years of actual occupancy by a qualified renter as evidenced by the required local certification under 410.7(6-d). Such revocation shall require a special permit from the Board of Appeals under ZBL Section 410 for an accessory apartment to be used as market rate apartment.

6. Additional Requirements for Occupancy of an Affordable Accessory Apartment:

- a. The affordable accessory apartment shall comply with the low-and moderate- income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR 45.00, et seq. in effect on the date of application for a building permit.
- b. The monthly rent of an affordable accessory apartment shall not exceed the maximum affordable rent for a household of approximate size for the accessory affordable apartment unit as defined in Section 302.
- c. The affordable accessory apartment unit must be rented to and occupied by a qualified renter or relative by blood or marriage as defined in Section 302.
- d. The owner shall obtain certification annually from the Duxbury Housing Authority or its designee that an affordable accessory dwelling is occupied by a qualified renter or relative by blood or marriage as defined in this By-law. Further, the owner shall obtain certification annually from one of the above agencies that the rent is equal to or less than the maximum affordable rent and submit documentation to the Town Planner for approval. Failure to comply shall be deemed a violation of this By-law and subject to enforcement provisions by the Building Inspector under Article 900.

Any abutter aggrieved by the issuance of a building permit may appeal in accordance with the provisions of M.G.L. Chapter 40A Section 15.

7. Use Restriction and Owner's Affidavit:

- a. The Building Inspector will issue a certificate of occupancy upon receiving certification from the Town Planner that the following documentation has been submitted by the owner to the Planning Department:
 - 1. A copy of the affordable housing use restriction or regulatory agreement and/or declaration of restrictive covenants, signed by a representative of the Department

of Housing and Community Development, the owner and the Town designee, which then shall be recorded at the Registry of Deeds with proof of filing provided.

2. A notarized affidavit from the owner of the property, indicating that the accessory affordable unit is intended for occupancy by a qualified renter or relative by blood or marriage, that the owner will provide annual certification of compliance with this By-law in subsection 410.7 #6d above, in the case of an affordable accessory apartment in a single family home with an attached garage or above a detached garage/barn on the same lot, that the owner will occupy one of the dwelling units on the premises.

Renumber ZBL Section 410.7 (Home Occupation Special Permit Regulations) to 410.8

or take any action in relation thereto.

(Submitted on behalf of the Local Housing Partnership
by the Board of Selectmen.)

Article 33

To see if the Town will vote to accept the provisions of Chapter 491 of the Acts of 2004 that amended Chapter 44 of the M.G.L. relative to the establishment of a Municipal Affordable Housing Trust Fund in the Town of Duxbury

or take any action in relation thereto.

(Submitted on behalf of the Local Housing Partnership
by the Board of Selectmen.)

Article 34

To see if the Town will vote to raise and appropriate a sum of money to fund the Town of Duxbury's Fourth of July parade and ceremony,

or act on anything relative thereto.

(Board of Selectmen)

Article 35

To see if the Town will vote to appropriate, by transferring from available funds or from free cash a sum of money to pay unpaid bills of previous years which may be legally unenforceable due to the insufficiency of an appropriation therefor,

or take any action in relation thereto.

(Board of Selectmen)

Article 36

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be added to the Stabilization Fund,

or take any action relative thereto.

(Board of Selectmen)

Article 37

To see if the Town will vote to authorize the Board of Assessors to use an amount of free cash and/or Stabilization Funds to reduce the tax rate,

or take any action in relation thereto.

(Board of Selectmen)

**Annual Town Election
Saturday, March 26, 2005**

PRECINCTS ONE, TWO, THREE, FOUR, FIVE AND SIX at the
T. WALDO HERRICK MEMORIAL GYMNASIUM, ST. GEORGE STREET,
DUXBURY.

Article 1

TO BRING IN THEIR VOTE FOR:

ONE SELECTMAN for a term of three years;

ONE ASSESSOR for a term of three years;

ONE ASSESSOR for the unexpired term of one year;

ONE MODERATOR for a term of one year;

TWO SCHOOL COMMITTEE MEMBERS for terms of three years;

ONE PLANNING BOARD MEMBER for a term of five years;

TWO LIBRARY TRUSTEES for terms of three years;

ONE HOUSING AUTHORITY MEMBER for the term of five years;

And for any other matters that may be brought to the voters on the Town Ballot

Polls are open for voting from 8:00 am – 8:00 p.m.

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 Bylaws, 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 22nd day of February, 2005

Board of Selectmen

Andre P. Martecchini, Chairman

John J. Tuffy, Vice-Chairman

Elizabeth H. Sullivan, Clerk

**Plymouth ss:
March 5, 2004**

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 prescribed by the bylaws of the Town.

**A TRUE COPY
ATTESTED**

CONSTABLE OF DUXBURY

TERMS USED IN MUNICIPAL FINANCE

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

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

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

FREE CASH OR FUND EQUITY (SURPLUS REVENUE): This is the amount certified annually by the State Bureau of Accounts. Town Meeting may appropriate from Free Cash for any purpose. Often referred to as “Excess and Deficiency” or E&D.

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 – 2005

Duxbury's excellence as a residential community is due in large part to citizen participation in government and community affairs. The Duxbury Talent Bank was established by the Selectmen and Town Moderator to register the names, interests and qualifications of Duxbury registered voters willing to volunteer to serve their community. Residents serve as volunteers on a wide variety of town boards, committees, commissions and councils listed below. They are appointed to these organizations by the Selectmen or the Moderator as vacancies occur. The Selectmen and Moderator encourage you to register by completing this Talent Bank Form, indicating your occupation, background, areas of interest and organizations you would consider serving. Please return your completed form to: Board of Selectmen, Town Office Bldg. 878 Tremont Street, Duxbury, MA 02332. Please keep in mind that Talent Bank forms are kept on file for only two years.

NAME _____ PHONE _____

STREET ADDRESS _____ P.O. BOX _____

NO. OF YEARS IN TOWN _____ OCCUPATION _____

BACKGROUND _____

Please feel free to attach additional sheet or resume, if available.

Land Use & Conservation

- ☐ Community Preservation Committee
- ☐ Conservation Commission
- ☐ Design Review Board
- ☐ Duxbury Beach Committee*
- ☐ Highway Safety Committee
- ☐ North Hill Advisory Committee
- ☐ Open Space & Recreation Committee
- ☐ Sidewalk & Bike Path Committee
- ☐ Zoning Board of Appeals

Cable

- ☐ Cable TV Advisory Committee

Recreational Activities

- ☐ Duxbury Youth Commission
- ☐ Fourth of July Committee
- ☐ Recreation Activities Committee

Government

- ☐ Board of Health ()
- ☐ Cemetery Trustees*
- ☐ Community Development Com.
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Historical Commission
- ☐ Municipal Comm. on Disability
- ☐ Nuclear Advisory Committee
- ☐ Personnel Board*
- ☐ Shellfish Advisory Committee
- ☐ Water Advisory Board*
- ☐ Waterfront Advisory Board
- ☐ Local Housing Partnership
- ☐ Economic Development Comm.

Finance

- ☐ Finance Committee*
- ☐ Fiscal Advisory Committee*

* appointed by Moderator

PLEASE INDICATE ANY OTHER AREAS OF
INTEREST _____

**BOARD OF SELECTMEN
DUXBURY, MASSACHUSETTS**

**PRSTR STD
US POSTAGE PAID
PERMIT NO. 2
DUXBURY, MA**

**POSTAL PATRON
DUXBURY
MASSACHUSETTS**

ANNUAL TOWN MEETING – SATURDAY, MARCH 12, 2005

