

PLEASE READ
ARTICLES IN THE WARRANT
FOR THE
ANNUAL TOWN MEETING



TOWN OF DUXBURY

SATURDAY, MARCH 12, 2016
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 12, 2016. 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 12, 2016

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 twelfth day of March, 2016 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 26, 2016

Polls are open 8:00 a.m. – 8:00 p.m.

ALL PRECINCTS at the
Chandler Elementary School Gymnasium
93 Chandler 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 TOWN CLERK for a term of three years; 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 one DUXBURY HOUSING AUTHORITY MEMBER for the remainder of an unexpired term of two 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, 2016, in accordance with M.G.L. Chapter 41, Section 108, or take any action in relation thereto.

Proposed by the Board of Selectmen

	Appropriated FY16	Requested FY17	BOS Recommended FY17	Finance Committee Recommended FY17
Moderator	\$40	\$40	\$40	\$40
Selectmen				
Chair	\$2,000	* \$2,000	*	\$2,000
Member	\$1,500	* \$1,500	*	\$1,500
Member	\$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	\$67,500	\$70,000	\$70,000	\$70,000
TOTAL	\$75,040	\$77,540	\$72,540	\$77,540

* = *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

ARTICLE 4A – STANDARD PERSONNEL PLAN REVISION

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 14, 2015, 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, 2016, and to raise and appropriate, and/or transfer from available funds, such sums of money as are necessary to implement the Personnel Plan, hire a consultant to conduct studies relative thereto, 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, the cost of hiring a consultant to fund compensation studies as needed, merit increases for FY2017, and any adjustments to compensation that are necessary during the fiscal year. Even if Town Meeting approves the amendment to the Personnel Plan By-law to shift the administrative functions of the Personnel Plan to the Board of Selectmen as proposed in Article 4B, Town Meeting approval is required each year for this funding.

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

ARTICLE 4B - PERSONNEL PLAN AMENDMENT

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 14, 2015, by deleting it and replacing it in its entirety with a new Personnel Plan By-law detailing classifications and

compensation schedules to be added as Chapter 3.1.7 of the Duxbury General By-laws as follows, to become effective July 1, 2016:

3.1.7 The Board of Selectmen shall approve and oversee the administration of a Personnel Plan for the Town. The Personnel Board and the Town Manager shall advise the Board of Selectmen in the administration of the Personnel Plan, including but not limited to the development of plans, policies and procedures for implementing the Personnel Plan, and the classification and compensation schedules for positions pursuant to the Personnel Plan.

, or take any action in relation thereto.

Proposed by the Personnel Board/Board of Selectmen

Explanation: The Town's Personnel Plan was historically approved and amended as a By-law of the Town, although maintained separately from the General By-laws. The Personnel Plan includes all of the Town's personnel policies, classifications and compensation schedules governing most non-union Town employees. Because it is a By-law, any change, regardless of how small, must be approved by Town Meeting. This has become logistically difficult and prevents the Town from being able to more nimbly respond to events affecting personnel. Most towns do not have their comprehensive Personnel Plans, excluding classifications and schedules levels, approved by Town Meeting, but rather have them handled administratively by the Personnel Board, Town Manager and Board of Selectmen. The change recommended in this article is consistent with that general practice.

Recommendations: *Board of Selectmen Vote – Available at Town Meeting*
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, 2016 and ending June 30, 2017 inclusive, in accordance with the following schedule, which is incorporated by reference herein (see Article 5 FY17 Operating Budget on following pages), or take any action in relation thereto.

Proposed by the Finance Committee

Explanation: This article refers to the FY 2017 Annual Budget lines. *(Please see the proposed FY 2017 budget on the following pages.)*

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	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	237,897	242,282	242,282	242,282
4	Expenses	12,650	12,650	12,985	12,985
	129 - Historical Commission				
5	Expenses	2,800	2,800	2,040	2,040
	131 - Finance Committee				
6	Salaries	0	0	0	0
7	Expenses	450	450	450	450
	133 - Finance Director				
8	Salaries	116,750	119,200	0	0
9	Expenses	3,150	3,070	0	0
	135 - Accounting				
10	Salaries	224,138	226,118	341,020	341,020
11	Expenses	8,030	8,030	11,100	11,100
	136 - Audit				
12	Expenses	45,800	45,800	46,800	46,800
	141 - Assessors				
13	Salaries	216,845	219,790	219,790	219,790
14	Expenses	21,500	21,500	21,500	21,500

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	145 - Treasurer/Collector				
15	Salaries	269,671	265,845	265,845	265,845
16	Expenses	49,300	57,268	57,268	57,268
	151 - Legal Services				
17	Expenses	255,000	300,000	280,000	280,000
	152 - Human Resources				
18	Salaries	116,825	119,635	119,635	119,635
19	Expenses	32,160	35,110	35,110	35,110
	155 - Information Systems				
20	Salaries	151,275	153,980	153,980	153,980
21	Expenses	277,359	293,500	289,500	289,500
	158 - Tax Title				
22	Expenses	8,000	8,000	8,000	8,000
	161 - Town Clerk				
23	Salaries	136,101	142,362	142,363	142,363
24	Expenses	25,000	63,050	63,655	63,655
	171 - Conservation Comm				
25	Salaries	132,737	134,248	134,248	134,248
26	Expenses	12,200	12,413	12,413	12,413
	175 - Planning Board				
27	Salaries	114,791	103,710	103,710	103,710
28	Expenses	8,900	8,500	8,650	8,650

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	197 - Facilities Management				
29	Salaries	201,608	209,537	210,287	210,287
30	Expenses	119,402	122,130	119,880	119,880
	Sub-Total: General Government	2,804,029	2,934,668	2,906,201	2,906,201
	PUBLIC SAFETY				
	210 Police				
31	Salaries	2,995,960	3,167,682	3,033,668	3,033,668
32	Expenses	327,227	361,967	378,967	378,967
	220 - Fire				
33	Salaries	2,864,885	2,876,095	2,876,095	2,876,095
34	Expenses	289,850	298,697	298,697	298,697
	241 - Municipal Services				
35	Salaries	435,730	439,304	439,304	439,304
36	Expenses	100,100	101,709	101,709	101,709
	295 - Harbor/Coastal Mgt				
37	Salaries	252,206	262,916	262,916	262,916
38	Expenses	30,400	31,200	31,200	31,200
	Sub-Total: Public Safety	7,296,358	7,539,570	7,422,556	7,422,556
	PUBLIC WORKS				
	192 - Central Building Services				
39	Salaries	61,193	61,493	61,493	61,493
40	Expenses	196,400	203,400	203,400	203,400

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	194 - Tarkiln Community Center				
41	Expenses	9,550	9,550	9,550	9,550
	292 - Animal Control				
42	Salaries	77,285	79,426	79,426	79,426
43	Expenses	7,400	7,500	7,500	7,500
	294 - Lands & Natural Resources				
44	Salaries	454,963	461,114	461,114	461,114
45	Expenses	44,000	47,000	47,000	47,000
	418 - Central Fuel Depot				
46	Expenses	312,500	303,000	303,000	303,000
	419 - DPW Administration				
47	Salaries	267,657	269,504	279,353	279,353
48	Expenses	53,800	56,650	56,650	56,650
	421 - Vehicle Maintenance				
49	Salaries	160,026	157,446	157,446	157,446
50	Expenses	119,000	119,000	120,500	120,500
	422 - Highway/Road Maintenance				
51	Salaries	471,819	469,944	469,945	469,945
52	Expenses	70,500	75,500	75,500	75,500
	423 - Snow and Ice				
53	Salaries	60,400	60,400	60,400	60,400
54	Expenses	111,000	111,000	111,000	111,000
	424 - Street Lights				
55	Expenses	37,000	37,000	37,000	37,000

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	431 - Transfer Station				
56	Salaries	234,444	230,601	230,601	230,601
57	Expenses	473,000	517,700	517,700	517,700
	440 – Sewer				
58	Salaries	15,726	16,332	16,332	16,332
59	Expenses	174,600	238,000	236,000	236,000
	491 – Cemetery				
60	Salaries	406,373	403,096	403,812	403,812
61	Expenses	228,550	224,950	224,950	224,950
	Sub-Total: Public Works	4,047,186	4,159,606	4,169,672	4,169,672
	HUMAN SERVICES				
	541 - Council on Aging				
62	Salaries	387,336	399,279	396,878	396,878
63	Expenses	129,950	130,175	129,275	129,275
	543 - Veterans Services				
64	Salaries	24,515	25,005	25,030	25,030
65	Expenses	121,675	120,025	120,775	120,775
	840 - Ply. Cty. Coop. Ext.				
66	Expenses	400	400	400	400
	Sub-Total: Human Services	663,876	674,884	672,358	672,358
	LIBRARY & RECREATION				
	610 – Library				
67	Salaries	978,091	986,811	986,811	986,811

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
68	Expenses	310,721	321,788	321,788	321,788
	630 – Recreation				
69	Salaries	169,154	171,790	171,790	171,790
70	Expenses	2,650	850	850	850
	633 - Beach Life Guards				
71	Salaries	19,320	20,160	20,160	20,160
72	Expenses	950	1,500	1,500	1,500
	632 - North Hill Golf Course				
73	Expenses	1,500	1,500	1,500	1,500
	692 - Public Celebrations				
74	Expenses	3,000	0	0	0
	Sub-Total: Library & Recreation	1,485,386	1,504,399	1,504,399	1,504,399
	SCHOOLS				
	300 - Duxbury Schools - Operating Budget				
75	Salaries	26,076,355	26,885,316	26,885,316	26,885,316
76	Expenses	6,557,105	6,628,144	6,628,144	6,628,144
	Sub-Total: School Operating Budget	32,633,460	33,513,460	33,513,460	33,513,460
	310 - Duxbury Schools - Laptop Lease				
77	Expenses	300,000	300,000	300,000	300,000
	Sub-Total: School Direct Costs	32,933,460	33,813,460	33,813,460	33,813,460

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	TOWN & SCHOOL SHARED COSTS				
	EMPLOYEE BENEFITS				
78	916 – Medicare	525,000	535,600	550,000	550,000
79	915 - Life Insurance	12,000	12,000	12,000	12,000
80	914 - Employee & Retiree Health Insurance	6,450,000	6,708,000	6,708,000	6,708,000
81	911 - Contributory Pensions	3,048,270	3,286,712	3,146,762	3,146,762
82	909 - Non-Contributory Pensions	20,000	20,000	20,000	20,000
83	945 - Workers Compensation	279,577	333,767	333,767	333,767
	Sub-Total: Employee Benefits	10,334,847	10,896,079	10,770,529	10,770,529
	OTHER SHARED COSTS				
84	945 - Fire, Liability, Insurance	405,538	481,363	481,363	481,363
85	132 - Reserve Fund	185,700	115,000	115,000	115,000
	Sub-Total: Liability Ins. & Reserve Fund	591,238	596,363	596,363	596,363
	DEBT SERVICE TOWN & SCHOOL				
86	710 - Principal Payments	5,735,267	5,707,518	5,707,518	5,707,518
87	751 - Interest on Bonded Debt	3,123,379	2,785,080	2,894,205	2,894,205
88	752 - Interest on Temporary Notes	6,000	80,000	80,000	80,000
89	753 - Bond Expense	10,000	10,000	10,000	10,000
	Sub-Total: Debt Service	8,874,646	8,582,598	8,691,723	8,691,723
	TOTAL – GENERAL FUND BUDGET	69,031,026	70,701,627	70,547,261	70,547,261

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2017

LINE #	DEPARTMENT	FY 2016 BUDGET	FY 2017 DEPT. REQ.	FY 2017 TOWN MGR	FY 2017 FIN COMM
	OPERATING BUDGET – WATER				
	450 – Water				
90	Salaries	708,073	709,992	710,710	710,710
91	Expenses	953,822	771,253	973,828	973,828
	Sub-Total: Water Operations	1,661,895	1,481,245	1,684,538	1,684,538
	DEBT SERVICE WATER				
92	710 - Principal Payments	490,734	443,311	443,311	443,311
93	751 - Interest on Bonded Debt	87,046	75,409	75,409	75,409
94	752 - Interest on Temporary Notes	10,000	0	10,000	10,000
95	753 - Bond Expense	10,000	0	10,000	10,000
	Sub-Total: Water Debt	597,780	518,720	538,720	538,720
	Sub-Total Water Enterprise Fund	2,259,675	1,999,965	2,223,258	2,223,258
	OPERATING BUDGET - PERCY WALKER POOL				
	631 – Pool				
96	Salaries	208,225	210,379	205,379	205,379
97	Expenses	175,968	177,301	175,716	175,716
	Sub-Total: Percy Walker Pool Enterprise Fund	384,193	387,680	381,095	381,095
	TOTAL - ALL BUDGETS	71,674,894	73,089,272	73,151,614	73,151,614

ARTICLE 6 - CAPITAL BUDGET

To see if the Town will raise and appropriate, transfer from the Water Enterprise Fund, the Percy Walker Pool 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 2017 Capital Budget lines.

Article 6 - Capital Budget					
Line #	Project Requests	Fiscal 2017 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	GENERAL GOVERNMENT				
	Information Systems				
1	Fire Department Alpine Software Installation	39,204	39,204	39,204	39,204
	Town Clerk				
2	Replace Voting Machines (7)	42,500	42,500	42,500	42,500
	Facilities Management				
3	Replace Windows Alden School - Phase I	91,183	91,183	91,183	91,183
4	Replace Windows Alden School - Phase II	95,434	95,434	95,434	95,434
5	Install Air Conditioning Alden/Chandler IDF Closet	42,000	42,000	42,000	42,000
6	Replace New/Old Town Hall Fire Alarm System	44,000	44,000	44,000	44,000
7	Replace Library Merry Room Flooring	17,300	17,300	17,300	17,300
	GENERAL GOVERNMENT TOTAL	371,621	371,621	371,621	371,621

Article 6 - Capital Budget

Line #	Project Requests	Fiscal 2017 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	PUBLIC SAFETY				
	Fire Department				
8	Replace 1995 Car #3	42,000	42,000	42,000	42,000
9	Replace Atmospheric Monitors (4) & TI Camera (1)	25,000	25,000	25,000	25,000
	Harbormaster				
10	Replace 2010 Pick-up Truck #194	35,453	35,453	35,453	35,453
11	Replace 200 HP Outboard Motors (2) Marine 4	53,200	53,200	53,200	53,200
12	Replace 90 HP Outboard Motor & Various Refit	17,944	17,944	17,944	17,944
	PUBLIC SAFETY TOTAL	173,597	173,597	173,597	173,597
	PUBLIC WORKS				
	Lands & Natural Resources				
13	Replace 2007 Trackless Multi-use Machine/Mower	114,000	114,000	114,000	114,000
	Administration				
14	DPW Facility Feasibility Study	45,000	45,000	45,000	45,000
	Highway				
15	Replace 2002 Cheverolet Pickup Truck H-12	34,873	34,873	34,873	34,873
	Transfer Station				
16	Replace 1990 STECO Ejector Trailer DX-6	85,000	85,000	85,000	85,000
	Cemetery				
17	Replace Kubota B26 TLB Backhoe	38,595	38,595	38,595	38,595
18	Purchase Records Filing System	29,290	29,290	29,290	29,290
	DEPARTMENT OF PUBLIC WORKS TOTAL	346,758	346,758	346,758	346,758

Article 6 - Capital Budget

Line #	Project Requests	Fiscal 2017 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	LIBRARY & RECREATION				
	Library				
19	Replace Seating Merry & Setter Rooms	31,285	31,285	31,285	31,285
	LIBRARY & RECREATION TOTAL	31,285	31,285	31,285	31,285
	DUXBURY SCHOOLS				
20	Rehabilitate Tennis Courts (6)	38,000	38,000	38,000	38,000
21	Wireless Internet - Chandler & Alden	89,330	89,330	89,330	89,330
22	Purchase Kubota Multi-purpose Tractor	36,680	36,680	36,680	36,680
	SCHOOL DEPARTMENT TOTAL	164,010	164,010	164,010	164,010
	GENERAL FUND TOTAL	1,087,271	1,087,271	1,087,271	1,087,271
	WATER ENTERPRISE FUND				
23	Rehabilitate Millbrook Wells	60,000	60,000	60,000	60,000
24	Rehabilitate Lake Shore Drive Wells	80,000	80,000	80,000	80,000
25	Replace 2005 Dump Truck #5	61,021	61,021	61,021	61,021
26	Utility Cloud Software & Associated Hardware	50,000	50,000	50,000	50,000
27	PCE Main Pipe Replacement	150,000	150,000	150,000	150,000
28	System Rehabilitation	150,000	150,000	150,000	150,000
29	Install Water Mains on Mayflower Street	395,000	395,000	0	0
30	Survey and Plans Teakettle Lane Well Site	50,000	50,000	50,000	50,000
31	Replace 2010 Extended Cab Pick-up #2	29,502	29,502	29,502	29,502
32	Install Water Mains on Temple Street	715,000	715,000	0	715,000
33	Rehabilitate Partridge Well Site Building	29,930	29,930	29,930	29,930
	WATER ENTERPRISE FUND TOTAL	1,770,453	1,770,453	660,453	1,375,453
	POOL ENTERPRISE FUND				
34	Repair Dive Stand	20,000	20,000	20,000	20,000
	POOL ENTERPRISE FUND TOTAL	20,000	20,000	20,000	20,000

ARTICLE 7 – SMALL EQUIPMENT AND MINOR SERVICES

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money to repair, purchase, lease, conduct studies and/or replace departmental property and equipment for the various departments as listed; 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 2017 Request	Town Manager Recommendation	Finance Committee Recommendation
	GENERAL GOVERNMENT			
	Information Systems			
1	Replace Watchguard Firebox - Town Hall	7,520	7,520	7,520
	Facilities Management			
2	Replace Carpet New Town Hall Phase I	9,254	9,254	9,254
	GENERAL GOVERNMENT TOTAL	16,774	16,774	16,774
	PUBLIC SAFETY			
	Police			
3	Add & Relocate CCTV Cameras	4,519	4,519	4,519
4	Purchase Tasers (8)	11,427	11,427	11,427
5	Purchase Traffic Message Board	12,385	12,385	12,385
	PUBLIC SAFETY TOTAL	28,331	28,331	28,331
	LIBRARY & RECREATION			
	Library			
6	Purchase Workroom Storage Shelving	1,245	1,245	1,245
7	Dumpster Enclosure	5,000	5,000	0
8	Re-upholster Public Seating Chairs (7)	4,900	4,900	4,900
	Recreation			
9	Repair Keane Street Tennis Courts	10,000	10,000	10,000
	LIBRARY & RECREATION TOTAL	21,145	21,145	16,145

Article 7 - Small Equipment and Minor Services				
Line #	Project Requests	Fiscal 2017 Request	Town Manager Recommendation	Finance Committee Recommendation
	DUXBURY SCHOOLS			
10	Purchase SCAG Mower & Catcher	12,700	12,700	12,700
	SCHOOL DEPARTMENT TOTAL	12,700	12,700	12,700
	GENERAL FUND TOTAL	78,950	78,950	73,950
	POOL ENTERPRISE FUND			
11	Power Wash Percy Walker Pool Exterior	5,300	5,300	5,300
	POOL ENTERPRISE FUND TOTAL	5,300	5,300	5,300

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, 2016

- 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

ARTICLE 9 - REVOLVING FUNDS

To see if the Town will re-authorize the first four accounts and establish the fifth and sixth revolving accounts listed below, pursuant to M.G.L. Chapter 44, Section 53E½, for the following programs and purposes, 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 2017 dollar limit indicated in the table below:

Line	Program	Purpose	Department Receipts	Expended under direction of:	FY 2017 Limit
1	Senior Center	Senior Center program operations	Senior Center program fees	Director, Council on Aging	\$185,000
2	Jaycox Tree Farm	Supplies for and operation of Tree Farm	Revenues of Tree Farm	Conservation Administrator	\$20,000
3	Hazardous Materials Response	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	Reimbursements allowed under MGL c. 21E for response to hazardous materials releases	Fire Chief	\$50,000
4	Regional Dispatch Services	To provide regional dispatch services to member towns	Charges for services	Fire Chief	\$80,000
5	Net Metering Credits	To provide energy related studies and upgrades	Net Metering Credits	Facilities Director	\$60,000
6	PEG Access	To provide Public Access, Educational, and Governmental communications to Duxbury residents.	Contractual Cable Revenue	Town Manager	\$230,000

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. Revenues will be used to offset expenses related to these programs and activities and disbursed under the direction of those indicated.

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

ARTICLE 10 - 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, 2016, and ending June 30, 2017, 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 annual lease period will run from July 1, 2016 to June 30, 2017, for which the annual payment will be \$650,000.

Recommendations: *Board of Selectmen Voted 2-0-1 to Recommend*
Finance Committee Voted 5-0 to Recommend

ARTICLE 11 - 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 and ceremony; 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 12 - AMEND GENERAL BY-LAWS TO CHANGE DATE OF TOWN MEETING

To see if the Town will amend Sections 2.1.1 and 2.1.2 of the General By-laws, so that the amended by-laws read as follows:

2.1 Annual Town Meeting and Town Elections

2.1.1 The Annual Town Meeting shall be held on the second Saturday in ~~March~~ *May* of each year at the hour and location designated by the Selectmen.

2.1.2 The Town Clerk shall be responsible for preparing any official ballots for town elections. The election officers designated on the official ballot, and the voting on such questions or matters as may properly be submitted to vote in the official ballots, shall take place on the fourth Saturday in ~~March~~ *May* of each year. The hours of opening the polls and the setting aside of any additional voting dates and times, as may be necessary, is to be determined by the Selectmen.

Proposed by Citizen Petition

Explanation: (To be provided by proponent(s) at Town Meeting.)

Recommendations: *Board of Selectmen Vote – Available at Town Meeting*
Finance Committee Voted 0-7 to Recommend

ARTICLE 13 – ADOPT LOCAL EXCISE TAX

To see if the Town will accept the provisions of M.G.L. Chapter 64L, Section 2(a), authorizing the imposition of a local excise tax in the statutory amount of 0.75 percent on the sale of restaurant meals originating within the Town; or take any other action in relation thereto.

Proposed by Finance Director

Explanation: The Town has the opportunity to take advantage of additional revenues from residents and non-residents alike. According to the Massachusetts Department of Revenue, the Town could expect over \$94,000 in new annual revenue by adopting this statute. To date, over 70% of communities across the State have adopted this statute. Closer to home - Carver, Kingston, Marshfield, Pembroke, and Plymouth have all adopted the statute.

Recommendations: *Board of Selectmen Voted 0-2-1 to Recommend*
Finance Committee Voted 3-3 to Recommend

ARTICLE 14 – PROPOSED GENERAL BY-LAW - POSSESSION OF ALCOHOL BY PERSONS UNDER THE AGE OF 21 YEARS

To see if the Town will amend Chapter 7 of the General By-laws entitled "Public Safety" by inserting a new Section 7.5 - "Possession of Alcohol By Persons Under the Age of 21 Years," as follows:

Section 7.5 – Possession of Alcohol By Persons Under the Age of 21 Years

A. Prohibited Conduct

No person who is under 21 years of age and not accompanied by a parent, legal guardian, or spouse who is 21 years of age or older, shall consume, possess, transport or carry on his person any alcohol or alcoholic beverages; provided, however, that this section shall not apply to a person between the ages of 18 and 21 who knowingly possesses, transports or carries on his person alcohol or alcoholic beverages in the course of his employment.

B. Enforcement

A Police Officer may enforce this By-law by noncriminal disposition in accordance with Chapter 7, of the Town By-laws and M.G.L. c. 40, § 21D.

C. Penalty

Any person who violates this By-law shall be subject to a fine of \$150 for the first offense, and \$300 for a second offense and any subsequent offenses.

And 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 of the General By-laws; or take any other action in relation thereto.

Proposed by the Police Chief

Explanation: The purpose of this Article is to give the police a means to enforce a prohibition on the possession of alcohol by minors under the age of 21. This type of municipal by-law is relatively common. The Town currently regulates alcohol consumption by any person in public places and can regulate minors' possession of alcohol under state criminal law. With this By-Law, Duxbury Police officers will have authority to enforce a prohibition on minors' possession of alcohol using non-criminal procedures of M.G.L. c.40, § 21D when encountering minors in possession at house parties or other non-public places. Without it, the only enforcement option is through arrest and/or application for a criminal complaint at the District Court.

Recommendations: *Board of Selectmen Voted 3-0 to Recommend*
Finance Committee Voted 5-2 to Recommend

ARTICLE 15 - RESOLUTION PERTAINING TO DECOMMISSIONING THE PILGRIM NUCLEAR POWER STATION

To see if the Town will support the following resolution regarding decommissioning the Pilgrim Nuclear Power Station and request the Duxbury Town Clerk to forward the text of the vote approving this article to the Town of Duxbury's state and federal legislative delegations, the Boards of Selectmen within the Emergency Planning Zone of the Pilgrim Nuclear Power Station, the Nuclear Regulatory Commission and Entergy Corporation, so that the intent of the residents of Duxbury is widely known.

Entergy announced that it will close the Pilgrim Nuclear Power Station on or before June 1, 2019. To protect its long-term interests, the Town of Duxbury supports the following principles:

- Entergy, the licensee, shall pay for the decommissioning process in full, not the Commonwealth's taxpayers.
- Decommissioning shall occur as soon as possible following closure; instead of deferring dismantlement and cleanup for decades.
- The spent nuclear fuel assemblies shall be moved out of the pool and into hardened, onsite storage as soon as possible.
- Offsite emergency planning shall be retained until the spent fuel pool is emptied; and Entergy shall continue to provide funding.
- The Massachusetts Department of Public Health shall continue and expand its offsite radiological monitoring, including its real-time air monitoring program, offsite environmental sampling and onsite tritium monitoring; and Entergy shall continue to provide funding.
- The skilled workforce that is knowledgeable and experienced with Pilgrim shall be retained for planning and implementation of shutdown and cleanup.
- The site shall be returned to "greenfield" for unrestricted use; radioactivity and chemical contamination shall be cleaned up.
- A Council on Decommissioning shall be established upon closure. It will be involved in the oversight of the decommissioning process with representatives from: pertinent State Government agencies; elected officials from Plymouth and Barnstable Counties; and citizen groups from Duxbury and all other impacted communities. It will hold open public meetings.

; or take any action in relation thereto.

Proposed by the Duxbury Nuclear Advisory Committee

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

ARTICLE 16 – ESTABLISHMENT OF SPECIAL EDUCATION STABILIZATION ACCOUNT

To see if the Town will accept M.G.L. Chapter 40, Section 13E, to establish a reserve fund known as the "Special Education Stabilization Fund" to pay any future unanticipated and/or unbudgeted costs of special education, transportation and/or out of district tuition, and further to raise and appropriate and/or transfer from available funds a sum of money to the Special Education Stabilization Fund to be expended under the direction of the School Committee for said purposes, or take any other action in relation thereto.

Proposed by the School Business Manager and Finance Director

Explanation: By establishing this fund, through a majority vote of the Duxbury School Committee and a majority vote of the legislative body, a municipality may establish and

appropriate or transfer General Fund money to a reserve fund, up to 2% of the annual net school spending amount. This account would be utilized in the current and upcoming fiscal years for unanticipated or unbudgeted costs of special education to moderate the annual fluctuations in the costs associated with special education within the school district.

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

ARTICLE 17 – AMEND ZONING BY-LAWS - REVISIONS TO ARTICLE 500

To see if the Town will amend the Duxbury Zoning By-laws to rename Article 500 as “Special Permit Residential Developments” and amend Section 530, “Division of Land and Development of Multiple Dwellings,” and Section 540 “Residential Conservation Cluster,” as reflected below to clarify the process for filing Residential Conservation Cluster permits with the Planning Board; or take any other action in relation thereto.

ARTICLE 500 - SPECIAL PERMIT RESIDENTIAL DEVELOPMENTS

530 Division of Land and Development of Multiple Dwellings

530.1 Purpose

The purpose of this Article is to:

1. Ensure that the development of multiple dwellings does not detract from the livability, scale, character or economic value of existing residential neighborhoods;
2. Encourage greater diversity of housing opportunities in Duxbury to meet the needs of a population which is diversified with respect to number of persons in a household, stage of life, and income;
3. Encourage the development of affordable housing;
4. Promote development proposals designed with sensitivity to the characteristics of the site that otherwise might be limited by application of uniform, largely geometric standards;
5. Permit different types of structures and residential uses to be combined in a planned interrelationship that promotes an improved design relationship between new buildings and public facilities and common open space;
6. Preserve historically or architecturally significant buildings or places;
7. Encourage the preservation and minimum disruption of outstanding natural features of open land and to minimize impacts on environmentally sensitive areas;
8. Encourage sustainable development through the use of green building practices and low-impact development techniques;
9. Promote the efficient and economical provision of public facilities such as utilities and streets and facilitate a detailed assessment, by Town officials and the public, of the adequacy of such facilities and services for the proposed level of development.

530.2 Applicability

A special permit residential development is a project in which one or more lots, tracts, or parcels of land are to be improved for use as a coordinated site for housing. The purpose of the special permit is to provide detailed review of residential developments that have a substantial impact

upon the character of the Town, adjacent residential areas and the provision of public facilities and services.

530.3 Multiple Special Permits

The special permit requirements of Section 530 may be subsumed by the special permit requirement of Sections 406, 540 and 700.

540 Residential Conservation Cluster

540.1 Purpose and Intent

The purpose of this section is to:

1. Allow for greater flexibility and creativity in the design of residential developments.
2. Encourage the permanent preservation of open space, agricultural and forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources.
3. Maintain the Town's traditional character and land use pattern in which small villages contrast with open land.
4. Protect scenic vistas from the Town's roadways and other places.
5. Encourage screening of new residential development from the Town's roads, open spaces and scenic areas.
6. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
7. Protect existing and potential municipal water supplies.
8. Encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.
9. Minimize the total amount of disturbance on the site.
10. Preserve open space areas for active and passive recreational use, including the provision of neighborhood parks and trails.
11. Encourage the provision of diverse housing opportunities and the integration of a variety of housing types.
12. Further the goals and policies of the Duxbury Comprehensive Plan.

540.2 Definitions

In this By-law, the following words have the meanings indicated:

Residential Conservation Cluster (RCC) Development - A residential development in which the buildings are clustered together with reduced lot sizes and frontage. The land not included in the building lots is permanently preserved as open space. RCC Development is generally the preferred form of residential development and/or redevelopment in the Town for residential developments of five (5) or more acres and/or six (6) or more lots.

540.3 Applicability

~~A proposed subdivision of land into six (6) or more lots shall be filed in accordance with the provisions of Section 540.4, below. The Planning Board shall determine whether the proposed location is suitable for an RCC Development under the terms and provisions of this section. If the~~

~~Planning Board determines that the proposed location is suitable for an RCC Development, any further subdivision of the land into six (6) or more lots shall be accomplished only through the provisions of this By-law. If the Planning Board determines, after discussion and analysis provoked by Section 540.4, that the location is best suited for subdivision under a conventional subdivision design, the Planning Board shall so inform the applicant and the applicant may then proceed to design a subdivision plan under the provisions of the Subdivision Control Law and the Duxbury Rules and Regulations Governing the Subdivision of Land (Subdivision Rules and Regulations) and the provisions of this section shall not apply. In cases where the Planning Board determines that the site is not suitable for an RCC Development, and where the proposed subdivision of land is for six (6) or more lots, the Planning Board's special permit powers shall be limited to enforcing the provisions of Section 560 of the Zoning By-law. In either case, however, a special permit from the Planning Board shall be required.~~

~~Notwithstanding the provisions above, the~~ The Planning Board may grant a special permit for an RCC Development for any parcel or contiguous parcels comprising at least five (5) acres or six (6) or more lots in any district permitting single-family dwellings subject to the regulations and conditions herein.

Determination of whether the proposed location is suitable for an RCC Development shall be based upon the opinion and judgment of the Planning Board, after consultation with its advisors and staff, and may include the following criteria:

1. The degree to which the topography of the locus will be preserved by an RCC Development;
2. The degree to which stormwater runoff and erosion will be minimized by an RCC Development;
3. The degree to which an RCC Development will result in appropriate site planning, subdivision design and/or damage to the site's natural features;
4. The degree to which an RCC Development will preserve or protect abutting properties and associated views and vistas;
5. The degree to which public safety will be maintained by an RCC Development;
6. The degree to which other site specific attributes or site specific concerns are appropriately addressed by an RCC Development.

540.4 Procedural Requirements

1. ~~Pre-Application Meeting: A pre application meeting between the Planning Board and/or Planning Department and the applicant is strongly encouraged.~~
2. ~~Preliminary (Conventional) Plan/RCC Sketch Plan: Applicants proposing the subdivision of land into six (6) or more lots shall submit a Sketch Plan for an RCC Development along with a Preliminary (Conventional) Subdivision Plan for review by the Planning Board. One of the purposes of this review is to determine the number of lots possible in the RCC Development. For this reason, it is strongly recommended that a copy of the existing conditions plan required in Section 540.4.3 below be submitted at this stage. The Planning Board shall approve, approve with conditions, or disapprove the preliminary plan/RCC Sketch Plan within forty five (45) days of receipt of a completed application. Upon receipt of the Planning Board's written decision regarding said plan, the applicant may submit a definitive subdivision and RCC Development plan in accordance with the Planning Board's written decision. If the above noted forty five (45) day time period has lapsed without a written decision being issued by the Planning~~

~~Board, the applicant may submit a definitive subdivision and RCC Development plan in accordance with Section 540.4.3 of this By-law.~~

31. RCC Development Plan: The RCC Development Plan shall show: location and boundaries of the site, proposed land and building uses, lot lines, location of open space, proposed grading, location and width of streets and ways, parking, landscaping, existing vegetation to be retained, water supply or approximate location of wells, drainage, proposed easements and methods of sewage disposal. A team including a Registered Civil Engineer, Registered Land Surveyor, and a Registered Landscape Architect shall prepare the plan. An accompanying Existing Conditions Plan shall depict existing topography, wetlands, waterbodies and the one hundred (100) year floodplain, all existing rights of way, easements, existing structures, the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views, watershed divides and drainage ways, fences and stone walls, roads, driveways, and cart paths. Photographs depicting existing conditions, views and vistas from various locations on the property and from public and private ways shall accompany the plan submission. The Site Analysis shall also show locations of soil test pits and percolation tests, with supporting documentation of test results. Applicants shall also include a statement describing the proposed use and ownership of the open space as permitted by this By-law. Applicants should refer to the Subdivision Rules and Regulations regarding preparation and submittal of plans.

2. Density/Number of Dwelling Units: The total number of dwelling units in a Residential Conservation Cluster shall be determined by the following formula:

a)
$$[\text{Total area of land subject to the application}] - [\text{Area of wetlands and waterbodies}] = \text{Applicable Land Area}$$

$$[\text{Applicable Land Area}] \times .75 / \text{Minimum Lot Area in the Zoning District} = \text{Total number of dwelling units.}$$

The number of dwelling units permitted in a Residential Conservation Cluster shall not exceed that which would be permitted under a conventional subdivision that complies with the Zoning By-law and the Subdivision Rules and Regulations of the Planning Board and any other applicable laws and regulations.

3. Review and Decision: Upon receipt of the application and the required plans, the Planning Board shall transmit one copy each to the Board of Health, Historical Commission, and Conservation Commission. Within forty-five (45) days of their receipt of the application/plans, these agencies shall submit any recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in G. L. c. 40A, sec. 9. Notice shall be provided of hearings in accordance with G.L. c. 40A, sec. 11 and G.L. c. 41, sec. 81T. Public hearings on the subdivision application and the special permit application shall be conducted concurrently.

4. Criteria for Special Permit Decision:

a) Findings: The Planning Board may approve the development upon finding that it complies with the purposes and standards of the RCC Development By-law and is superior in design to a conventional subdivision with regard to protection of natural

features and scenic resources of the site. The Planning Board shall consider at least the following criteria in making its decision:

1. Upland open space as required by this By-law has been provided and generally conforms to the Design Requirements in Section 540.8 of this By-law.
 2. Approximate building sites have been identified and are not located closer than one hundred (100) feet to wetlands and waterbodies.
 3. Proposed streets have been aligned to provide vehicular access to each dwelling unit in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide lots with views of and access to the open space.
 4. All lots meet the applicable dimensional requirements of Section 540.5 of the RCC Development By-law and all other relevant provisions of the Zoning By-law.
 - ~~5. The provisions of Section 560 of the Zoning By-law will be met. The Planning Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the application for special permit.~~
- b) Conditions: The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this By-law. Approval of an RCC Development shall be conditioned upon Definitive Subdivision approval and shall be conditioned to provide that no further division of land that increases the number of lots or results in an alteration to the area to be set aside as open space may occur without a modification of the special permit. Any alteration of lot lines or layout of ways shall require approval of the Planning Board and shall be in compliance with the requirements of the RCC Development By-law and the Subdivision Rules and Regulations.
- c) Time Limit: A special permit is granted for a period of two (2) years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. In its sole discretion, the Planning Board may grant extensions to allow construction of subdivisions within the vested rights limits set forth in G.L. c. 40A, sec. 6 except where such extension would derogate from the intent and purpose of this By-law.
- d) Relationship to Subdivision Control Law: Nothing herein shall exempt a proposed subdivision from compliance with other applicable provisions of these By-laws or the Subdivision Rules and Regulations of the Planning Board, nor shall it affect the rights of the Board of Health and the Planning Board to approve, condition or disapprove a subdivision plan in accordance with the Subdivision Rules and Regulations and the Subdivision Control Law.

540.5 Standards and Dimensional Requirements

Where the requirements of this section differ from or conflict with the requirements found elsewhere in this By-law, the requirements of this section shall prevail.

1. Minimum Lot Size: The minimum lot size shall be one-half (1/2) the square footage otherwise required in the Zoning District in which the project is located.

2. Minimum Frontage: The minimum frontage may be reduced from the frontage otherwise required in the Zoning District, provided however that no lot shall have less than fifty (50) feet of frontage and provided further that such frontage reduction shall apply only to lots fronting on proposed internal roadways.
3. Setbacks: Provided that no objection is raised by the Fire Department, the Planning Board may reduce by up to one-half (1/2) the setbacks otherwise required by the Zoning By-law if the Board finds that such reduction will result in better design and improved protection of natural and scenic resources, and will otherwise comply with this By-law. Notwithstanding this provision or the requirements of the Zoning By-law, every dwelling fronting on the proposed roadways shall be set back a minimum of fifteen (15) feet from the roadway right-of-way and a minimum of fifty (50) feet from the outer perimeter of the land subject to the application. This fifty (50) foot setback shall be maintained in a naturally vegetated state to screen and buffer the development and may be included within the open space. This setback may be eliminated where the proposed development abuts existing permanent open space. Wherever feasible, construction of the dwelling at the front setback line is encouraged.
4. Required Open Space: All land area not utilized for lots, roads, and drainage shall be set aside as open space. A minimum of sixty percent (60%) of the upland area of the parcel ("applicable land area") shall be provided as open space. As an exception, where the open space is proposed to be deeded to the Town or a qualified land trust pursuant to 540.7 of this By-law, and is so deeded, a minimum of fifty percent (50%) of the upland area of the parcel shall be provided as open space. Applicants are encouraged to include wetlands and waterbodies within the open space; however, they do not count toward the open space requirement. Roadway rights-of-way shall not count toward the area to be provided as open space.

540.6 Permissible Uses of Open Space

1. Purposes: Open space shall be used solely for recreation, conservation, or agriculture purposes by residents and/or the public. Where appropriate, multiple use of open space is encouraged. At least half of the required open space may be required by the Planning Board to be left in a natural state. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.
2. Leaching Facilities: Subject to the approval of the Board of Health, or as otherwise required by law, the Planning Board may permit part of the open space to be used for components of sewage disposal systems serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or waterbodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the development. No portion of the open space containing components of a sewage disposal system(s) shall count toward the open space requirements of Section 540.5.4, nor shall any portion of said open space areas be accepted by the Town or conveyed to a nonprofit organization other than a corporation or trust described in Section 540.7.1(c).

540.7 Ownership of Open Space

1. Ownership Options: At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be:
 - a) Conveyed to the Town to be placed under the care, custody and control of the Conservation Commission, and be accepted by it for a park or open space use. Land conveyed to the Town shall be open for public use;
 - b) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified below. Such organization shall be acceptable to the Town as a bona fide conservation organization; or
 - c) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (*i.e.*, "homeowners' association") and placed under a conservation restriction. If such a corporation or trust is utilized, ownership of the open space shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners' association assumes such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowners' association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.
2. Permanent Restriction: In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction, in accordance with G. L. c. 184 sec. 31, approved by the Planning Board and Board of Selectmen, and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this By-law and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restrictions shall be submitted to the Planning Board prior to approval of the project and recorded or registered at the Registry of Deeds/Land Court simultaneously with recording of the definitive subdivision plan. A management plan may be required by the Planning Board that describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.
3. Encumbrances: All areas to be set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances.
4. Maintenance of Open Space: In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that if the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance and to ensure the open space is being maintained in a reasonable condition. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.

540.8 Design Process

Each development plan shall follow the design process outlined below. Applicants shall be required to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, house lots, and contiguous open space on the development plan.

1. Understanding the Site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
2. Evaluating Site Context. The second step is to evaluate the site in its larger context by identifying physical (*e.g.*, stream corridors, wetlands), transportation (*e.g.*, road and bicycle networks), and cultural (*e.g.*, recreational opportunities) connections to surrounding land uses and activities.
3. Designating the Contiguous Open Space. The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.
4. Location of Development Areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with Duxbury's historical development patterns.
5. Lot Lines. The final step is to draw the lot lines.

540.9 Design Requirements

The location of open space provided through this By-law shall be consistent with the policies contained in the Duxbury Comprehensive Plan and the Open Space and Recreation Plan, as amended. The following design requirements shall apply to open space and lots provided through this By-law:

1. Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than one hundred [100] feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
2. Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes. The development plan shall take advantage of the natural topography of the parcel and cuts and fills shall be minimized.
3. Open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.
4. Where the proposed development abuts or includes a body of water or a wetland, these areas and the one hundred (100) foot buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to shorelines.
5. The maximum number of house lots compatible with good design shall abut the open space and all house lots shall have reasonable physical and visual access to the open space through internal roads, sidewalks or paths. An exception may be made for resource areas vulnerable to trampling or other disturbance.

6. Open space shall be provided with adequate access, by a strip of land at least twenty (20) feet wide, suitable for a footpath, from one (1) or more streets in the development.
7. Development along existing scenic roads and creation of new driveway openings on existing regional roadways shall be minimized.
8. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections should be provided where appropriate.
9. Residential structures shall be oriented toward the street serving the premises.

540.10 Types of Buildings

The provisions of Section 410.1.1 notwithstanding, an RCC Development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than three (3) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades.

540.11 Affordable Component

As a condition of the grant of any special permit for a RCC Development containing six (6) or more lots or dwelling units, the Planning Board shall ensure compliance with the provisions of Section 560 ("Inclusionary Housing") of the Zoning By-law.

540.12 Special Permit Requirements

In reviewing an application under this By-law, the Planning Board shall rely, to the extent warranted, on the provisions of Section 906.2 of the Zoning By-law.

Proposed by the Zoning By-law Review Committee and Board of Selectmen

Explanation: This amendment is proposed to revise Article 500 – Special Permit Residential Developments. Section 530 would be modified by removing the requirement for a special permit for any residential development with six or more lots or dwelling units, and replacing it with a provision for residential development special permits. Section 540, Residential Conservation Cluster, would be modified by changing it from a mandatory cluster by-law to voluntary By-law. These changes would bring this by-law into compliance with current case law.

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

ARTICLE 18 - AMEND ZONING BY-LAWS – INCLUSIONARY HOUSING REQUIREMENTS

To see if the Town will amend Section 560 (Inclusionary Housing Requirements) and Section 718 (Inclusionary Housing Requirements) of the Town of Duxbury Zoning By-laws by moving Section 560 in its entirety to Section 718, and replacing Section 718 with the following:

718 — INCLUSIONARY HOUSING REQUIREMENTS

~~The provisions of Section 560 of the Zoning By-law shall, so far as applicable, apply to Planned Developments.~~

718 INCLUSIONARY HOUSING REQUIREMENTS

718.1 Purpose and Intent

It is intended that the affordable housing units that result from this By-law be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under G. L. c. 40B, secs. 20-23.

718.2 Definitions

1. Affordable Housing Unit. A dwelling unit that qualifies as a local initiative unit under the Commonwealth's Local Initiative Program and meets the requirements of a subsidized housing unit for purposes of listing in the subsidized housing inventory under G. L. c. 40B, Secs. 20-23.
2. Qualified affordable housing unit purchaser. An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

718.3 Applicability

This Section 718 By-law shall apply to the construction of six (6) or more dwelling units in accordance with Section 700 of the Zoning By-law, whether on one or more contiguous parcels.

718.4 [RESERVED]

718.5 Provision of Affordable Units

The Board of Appeals shall deny any application for a special permit for development under Sections 700 if the applicant for special permit approval does not agree that:

1. At least ten percent (10%) of the lots in a division of land or units in a multiple unit development subject to this By-law shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number, such that a development proposing six (6) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two affordable units and so on.
 - a) Constructed or rehabilitated on the locus subject to the special permit;
 - b) Constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 718.8);

- c) An applicant may offer, and the Board of Appeals, in concert with the Board of Selectmen, may accept donations of land in fee simple, on or off-site, that the Board of Appeals determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The Board of Appeals may require, prior to accepting land as satisfaction of the requirements of this By-law, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value;
- d) For non-rental affordable housing units, a cash payment to the Affordable Housing Trust may be made subject to Section 718.11 of this By-law.

The applicant may offer, and the Board of Appeals may accept, any combination of the Section 718.5.1(a)-(d) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this By-law.

718.6 Provisions Applicable to Affordable Housing Units On- and Off-Site

1. Siting of affordable units – All affordable units constructed or rehabilitated under this By-law shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
2. Minimum design and construction standards for affordable units – Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.
3. Timing of construction or provision of affordable units or lots – Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

MARKET-RATE UNIT %	AFFORDABLE HOUSING UNIT%
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

Fractions of units shall not be counted.

718.7 Marketing Plan for Affordable Units

Applicants under this By-law shall submit a marketing plan or other method approved by the Board of Appeals, to the Board of Appeals for approval, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen,

in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.

718.8 Provision of Affordable Housing Units Off-Site

As an alternative to the requirements of Section 718.5.1(a), an applicant subject to the By-law may develop, construct or otherwise provide affordable units equivalent to those required by Section 718.5 off-site. All requirements of this By-law that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Board of Appeals as an integral element of the special permit review and approval process.

718.9 Maximum Incomes and Selling Prices: Initial Sale

1. The developer of the housing units or its agent shall verify prior to transferring title or executing a lease that each prospective purchaser or renter of an affordable housing unit created under this By-law is a household of low or moderate income, as defined by the Commonwealth's Local Initiative Program (LIP). Toward this end:
 - a) The developer shall engage a qualified certifying agent acceptable to the Board of Appeals for a special permit application pursuant to Section 700 of the Zoning By-law, to receive purchase or rental applications, obtain and review documentation concerning sources and amounts of household income, and certify to the Town that all purchasers or renters approved for an affordable unit meet LIP income eligibility requirements.
 - b) The developer is responsible for making arrangements acceptable to the Board of Appeals for a special permit application pursuant to Section 700 of the Zoning By-law, to provide annual certifications to the Town as may be required to place and maintain the affordable units on the Commonwealth's Chapter 40B Subsidized Housing Inventory.
2. The maximum allowable purchase price or maximum allowable rent for affordable units created under this By-law shall comply with the regulations and guidelines of the Local Initiative Program (LIP).

718.10 Preservation of Affordability; Restrictions on Resale

Each affordable unit created in accordance with this By-law shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability to qualified purchasers in the future. The resale controls shall be established through a deed rider or an affordable housing restriction as defined by G.L. c.184, Section 31, recorded at the Plymouth County Registry of Deeds or the Land Court, and shall be in force for as long a period as is lawful. The affordable housing use restriction shall meet the requirements of the Local Initiative Program.

1. Resale price – Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 718.10. For example, if a unit appraised for \$300,000 is sold for \$225,000 as a result of this By-law, it has sold for seventy-five percent (75%) of its

appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$325,000, the unit may be sold for no more than \$243,750, or seventy-five percent (75%) of the appraised value of \$325,000.

2. Right of first refusal to purchase – The purchaser of an affordable housing unit developed as a result of this By-law shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town a right of first refusal for the maximum period allowable under guidelines set by the Department of Housing and Community Development for Local Initiative Units as defined by the Local Initiative Program, to purchase the property or assignment thereof, if, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.
3. The Board of Appeals shall require, as a condition for special permit approval under this By-law, that the deeds to the affordable housing units contain a restriction against renting or leasing said unit during the period for which the housing unit contains a restriction on affordability.
4. The Board of Appeals shall require, as a condition for special permit approval under this By-law, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 718.10. The Zoning Enforcement Officer shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded at the Plymouth County Registry of Deeds or the Land Court.

718.11 Fees in Lieu of Affordable Housing Units

As an alternative to Section 718.5.1 (a) through (c), an applicant may contribute a cash payment to the Affordable Housing Trust, to be used for the development of affordable housing by the Town or its designees, in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

1. Calculation of fees-in-lieu of units. The applicant for development subject to this By-law may pay a fee in lieu of the construction of affordable units. For each affordable unit not constructed or provided through one or a combination of the methods specified in 718.5.1 (a) through (c), the fee shall be an amount equal to the difference between the median sale price for new single-family homes built in Duxbury during the preceding three fiscal years, as determined and reported by the Board of Assessors, and the purchase price of a home that is affordable to a qualified purchaser.
 - a) For developments of multi-family condominiums, the Board of Appeals may substitute the median sale price for new condominiums built in Duxbury during the preceding three (3) fiscal years for the median sale price of new single-family homes.
 - b) The methodology used to determine an affordable purchase price shall comply with Local Initiative Program guidelines in effect at the time of application for a special permit.
 - c) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products

available from commercial lending institutions located in or serving Duxbury at the time of application for a special permit, all in accordance with the Inclusionary Housing Submission Requirements and Procedures Manual adopted by the Board of Appeals and filed with the Town Clerk.

- d) Upon adoption of this By-law by town meeting, the Board of Appeals shall prepare and adopt an Inclusionary Housing Submission Requirements and Procedures Manual after holding a public hearing on the same.
2. Schedule of fees in lieu of construction. Fees in lieu of construction shall be paid to the Affordable Housing Trust by the applicant at the time of application for building permits, according to the applicant's choice of one of the two following payment schedules:
- a) A lump sum total payment submitted with the initial building permit application in the amount as calculated in accordance with Section 718.11 and established with the Planning Department; or
 - b) A prorated payment calculated in accordance with Section 718.11 and divided as equal per unit fees established by the Planning Department, initiated with the first building permit application and paid in full with the filing of the building permit application representing the project's eighty percent (80%) completion.

; or take any other action in relation thereto.

Proposed by the Zoning By-law Review Committee and Board of Selectmen

Explanation: This request is a housekeeping amendment to move Section 560 to a subsection within Section 718 Inclusionary Housing Requirements.

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

ARTICLE 19 - AMEND ZONING BY-LAWS – NONCONFORMING USES AND STRUCTURES

To see if the Town will amend the Town of Duxbury Zoning By-laws by deleting Section 401.2 (Nonconforming Uses and Structures) in its entirety and replacing it with the following:

401.2 Nonconforming Uses and Structures

1. Nonconforming Uses

Except as herein after provided, this By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this By-law or any amendments thereto, but shall apply to any change or substantial extension of such use.

- a) Change or Substantial Extension. The Board of Appeals may grant a special permit to change or substantially extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
- b) Substitution. The Board of Appeals may grant a special permit to substitute one nonconforming use for another nonconforming use only if it determines that the new use shall be less detrimental than the existing use to the neighborhood.

2. Nonconforming Structures Other Than One-Family and Two-Family Residential Structures

The Board of Appeals may grant a special permit in conformity with the requirements of Section 906.2 to reconstruct, extend, alter or structurally change a nonconforming structure other than a one-family or two-family structure (which are governed by § 401.2.3. below), or to alter said structure to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, in accordance with this section only if (1) said reconstruction, extension, alteration or structural change itself conforms with all the provisions of the Zoning By-law, and (2) there is a finding by the Board of Appeals that such resulting structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. If the existing structure is nonconforming by reason of its nonconformity with Section 603 (parking or loading area requirements), the Board of Appeals may grant a special permit if the Board determines that the existing use and proposed reconstruction, extension, alteration or structural change does not warrant the number of parking spaces required by Section 603.

3. Alteration, Reconstruction, Extension or Structural Changes to Preexisting Nonconforming Single and Two-Family Residential Structures.

- a) A nonconforming single or two-family dwelling or structure accessory thereto may be reconstructed, extended, altered or structurally changed upon a determination by the Building Inspector that the proposed reconstruction, extension, alteration, or structural change will not increase the nonconforming nature of the structure. The following circumstances, singly or in any combination, shall not be deemed to increase the nonconforming nature of said structure:
 - (i) Reconstruction, extension, alteration or structural change to a structure that complies with all current setback, building coverage, and building height requirements but is located on a lot with insufficient area, insufficient frontage, nonconforming lot shape, or any combination of those, where the alteration will also comply with all of said current requirements.
 - (ii) Reconstruction, extension, alteration or structural change to a structure that encroaches upon one or more required setback areas, where the resulting structure alteration will comply with all current setback, building coverage and building height requirements.
- b) The Board of Appeals may, by special permit, allow any reconstruction, extension, alteration or structural change of a nonconforming structure not permitted under Section 401.2.3(a) as follows:

- (i) The Board of Appeals shall make a determination as to the particular respect or respects in which the existing structure does not conform to the requirements of the current By-law;
- (ii) If the Board of Appeals concludes that the proposed change will not increase the nonconforming nature of the structure, the Board shall issue a special permit;
- (iii) If the Board of Appeals determines that the proposal will increase the nonconforming nature of the structure, the Board shall deny the special permit unless the applicant demonstrates that the proposed change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, or unless the Board determines that a special permit can be approved with conditions that would make the change not substantially more detrimental to the neighborhood than the existing structure, in which case the Board may approve a special permit with such conditions.
- (iv) For the purposes of this Section, determination of "substantially more detrimental to the neighborhood" shall include consideration of and impacts to the general and immediate neighborhood from the resulting height, building coverage, impervious coverage, and width of the reconstructed, extended, altered, or structurally changed structure. Additionally, a determination whether a reconstructed, extended, altered, or structurally changed structure will be "substantially more detrimental to the neighborhood" shall include the resulting impacts to views and vistas from abutting properties and public and private ways, increase in traffic, noise, surface water runoff and related site planning issues.
- (v) For purposes of this Section, an "increase in the nonconforming nature of the structure" may include intensification of existing nonconformities. The creation of new nonconformities (*i.e.*, relief from height, setback, lot coverage or other dimensional requirements with which the existing nonconforming structure complies) shall require the issuance of a variance from the Board of Appeals.

4. Alterations to Multiple Dwellings on a Single Lot

Any reconstruction, extension, alteration or structural change to a dwelling on a lot containing more than one (1) dwelling shall require a special permit and a finding by the Board of Appeals that such reconstruction, extension, alteration or structural change shall not be more detrimental to the neighborhood than the existing dwelling, in accordance with the procedure outlined in Section 401.2.4 above.

5. Abandonment, Discontinuance and Restoration of Nonconforming Structures Destroyed by Fire or Other Casualty

- a) Any nonconforming use which has been abandoned or discontinued for more than two (2) years, or any nonconforming buildings, structures, or land used primarily for agriculture, floriculture or horticulture which has been discontinued for more than five (5) years, shall not be re-established and any future use shall conform to the regulations of this By-law.
- b) A nonconforming structure or structure occupied by a nonconforming use which has been destroyed by fire or other casualty may be reconstructed; provided that the reconstruction

is substantially completed within three (3) years of the date of destruction. Reconstruction of nonconforming structures on land used primarily for agriculture, horticulture or floriculture must be substantially completed within five (5) years of the date of destruction. Any extensions or alterations shall comply with the requirements of Sections 401.2.3 and 401.2.4, as applicable.

; or take any other action in relation thereto.

Proposed by the Board of Selectmen/Zoning By-law Review Committee

Explanation: This amendment is proposed to revise Article 400 (Use, Intensity, Dimensional and Coverage Regulations for All Districts), Section 401.2, Nonconforming Uses, in order to clarify the changes to nonconforming single-family or two-family dwelling that can be approved by the Building Inspector versus those requiring a finding from the Board of Appeals. The Building Inspector would have authority to approve the following types of projects:

- Alteration to a single- or two-family dwelling or structure that is on a legally non-conforming lot but that otherwise meets dimensional, intensity and use regulations for the District; and/or
- Alteration to a single- or two-family dwelling or structure which, regardless of lot size, encroaches on a setback and is therefore nonconforming, but where the alteration itself does comply with dimensional, intensity and use regulations for the District.

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

ARTICLE 20 - AMEND ZONING BY-LAWS – AFFORDABLE HOUSING ODD LOT BY-LAW

To see if the Town will amend the Town of Duxbury Zoning By-laws by deleting Section 570 (Affordable Housing) in its entirety and replacing it with the following:

ARTICLE 500 - REQUIREMENTS FOR CERTAIN LAND DIVISIONS, LAND DEVELOPMENTS, AND INCLUSIONARY HOUSING

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 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 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 that meets the following criteria:

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 Effective Date. 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 dimensional requirements prior to the Effective Date:
 - a) Lot Area: Minimum ten thousand (10,000) square feet of Upland Area.
 - b) Continuous Frontage: Twenty-five (25) feet on a public way.
 - c) Setbacks: All setbacks shall meet RC requirements in Section 410.4, unless 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 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 Registry of Deeds or filing with the Registry District of the Land Court.

Other Requirements: All other requirements of this By-law 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 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 owner's lottery agent.

570.6 Maximum Incomes and Selling Prices: Initial Sale

1. 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 Commonwealth's 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 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 the right of first refusal to purchase the Affordable Housing Unit if a subsequent Qualified Purchaser cannot be located.

570.8 Conflict with Other By-laws

Where any conflict exists between this Section 570 and the requirements of other federal or state laws or regulations or other local by-laws, the more restrictive requirements 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:

1. The proposed Affordable Housing Unit will be in harmony with the general purpose and intent of the Zoning By-law;
2. The increase in density resulting from the grant of a special permit will not adversely affect the surrounding neighborhood;
3. 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

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 related 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 By-law is held invalid by a court of competent jurisdiction, the remainder of this By-law shall remain in full force and effect.

; or take any action in relation thereto.

Proposed by the Duxbury Affordable Housing Trust

Explanation: The purpose of the Article is to delete the existing article and replace it with this simplified process of using unbuildable lots for affordable housing purposes. This By-law has been in existence since 2008, but, the feedback received by the Trust is the article needs more administrative flexibility in order for the Planning Board to approve a lot. The proposed changes are intended to make this By-law more workable for the citizens of Duxbury who may own such a lot.

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

Finance Committee Voted 0-5 to Recommend

ARTICLE 21 - AMEND ZONING BY-LAWS – FLOOD HAZARD AREAS OVERLAY DISTRICT

To see if the Town will amend the Town of Duxbury Zoning By-laws by amending Sections 202.1 and 202.2(9), as follows, with text deleted from said By-law Sections struck through and text added to said By-law Sections underlined, and by deleting Section 402 (Flood Hazards Areas Overlay District) in its entirety and replacing it with the following:

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 Duxbury Flood Insurance Rate Map (DFIRM) ~~dated May 17, 2005~~ as defined in Article 402 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 By-law. Any conflict between the map and the description of any district in the written terms of this By-law shall be resolved according to the written terms.

202.2 District Boundary Line Descriptions

9. Boundaries of the Flood Hazard Areas Overlay District are shown and set forth in the Duxbury Flood Insurance Rate Map (DFIRM), ~~dated May 17, 2005~~ as defined in Article 402, on file in the Office of Town Clerk and in the Planning Board Office.

ARTICLE 402 FLOOD HAZARD AREAS OVERLAY DISTRICT

402.1 Purpose of the Flood Hazard Areas Overlay District

The purposes of the Flood Hazard Areas Overlay District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the Town beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from flooding waters.

402.2 Flood Hazard Areas Overlay District Boundaries

The Flood Hazard Areas Overlay District shall be considered an overlay district throughout the Town. It shall include all special flood hazard areas within the Town, as shown and set forth in the Duxbury Flood Insurance Rate Map (DFIRM), panels 25023C0207J, 0209J, 0216J, 0217J, 0219J, 0236J, all dated July 17, 2012, and panels 25023C0226K, 0228K, 0229K, 0233K, 0234K, 0237K, 0238K, 0239K, 0241K, 0242K, 0243K, 0244K, AND 0263K all dated July 6, 2016, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) designated as Zones A, AE, AO and VE, which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, and available for viewing in the Planning Department.

402.3 Compliance with Other Law and Regulations

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with statute and regulations, except that provisions of this Section that are more restrictive shall apply.

1. Massachusetts General Laws, Chapter 131, Section 40;
2. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
3. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
4. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
5. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
6. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

402.4 Base Flood Elevation and Floodway Data

1. Floodway Data. In Zone A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the Town during the occurrence of the base flood discharge.

2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.

402.5 Notification of Watercourse Alteration

In a riverine situation, the Building Commission shall notify the following of any alteration or relocation of a watercourse:

1. The Chief Executive Officer of adjacent Cities and Towns

2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

402.6 Other Use Regulations

1. Within Zone AO on the DFIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Zone AE, along watercourses that have a regulatory floodway designated on the DFIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
4. All new construction and substantial improvements to existing structures within Zone VE must be located landward of a boundary line of the Wetlands Protection Overlay District, except those structures allowed by sub-sections 404.9 or 404.11.
5. All subdivision proposals must be designed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.
6. Existing site contours and elevations of existing structures shall be included on plan proposals.

402.7 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are allowed, provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, and horticulture.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, and play areas.
4. Conservation of water, plants, and wildlife.
5. Wildlife management areas, and foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

402.8 Definitions

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DUXBURY FLOOD INSURANCE RATE MAP (DFIRM) means the official map of the Town on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on the DFIRM as Zone AE and VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AO means the 100-year floodplain with flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

ZONE X identifies areas in the Town that the Flood Insurance Study has determined as areas of moderate or minimal flood hazard.

, or take any action in relation thereto.

Proposed by the Planning Director and Town Manager

Explanation: The US Department of Homeland Security Federal Emergency Management Agency (FEMA) issued a new Preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) in November 2015 for review by the Town of Duxbury. These maps will become effective on July 6, 2016). If FEMA chooses to further revise the new FIRM and FIS, this article will be withdrawn.

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

ARTICLE 22 - AMEND ZONING BY-LAWS – DEMOLITION DELAY

To see if the Town will amend the Town of Duxbury Zoning By-laws by deleting Section 609 (Demolition of Historically Significant Buildings) in its entirety and replacing it with the following:

ARTICLE 609 DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS

609.1 Purpose

This By-law is enacted to protect and preserve historically significant buildings and structures that constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town or the Commonwealth, and to limit the detrimental effect of the demolition of such structures on the character of the Town. Through this By-law, property owners are encouraged to seek alternatives to demolition that will preserve and restore such buildings. In addition, this By-law serves to alert Duxbury residents to the proposed demolition of historically significant buildings. This By-law promotes public welfare by enhancing the historic and architectural fabric of the community, improving property values, and making the Town a more attractive and desirable place in which to live, learn and work. To achieve these purposes, the Historical Commission is authorized to advise the Building Commissioner on the issuance of demolition permits.

609.2 Definitions

Application for Historic Structure Demolition Certification. A Municipal form addressed to the Historical Commission that describes the building and the proposed demolition. This application is in addition to any other building permit application or standard demolition permit application.

Historic Structure Demolition Certification. A document stating the Duxbury Historical Commission's final determination on an application for historic structure demolition certification. This certification records the date of final determination, a summary of the determination, and the earliest date upon which demolition may commence.

Applicant. The person or entity who submits the application for structure demolition certification. The applicant must be the property's current owner of record.

Application for Structure Demolition Certification. A supplemental Municipal data form containing summary information regarding the applicant, the building, and the requested demolition. This is a separate, additional form, addressed specifically to the Historical Commission, which is distinct from and in addition to any other building permit application or standard demolition permit application.

Building. A building or structure composed of any combination of materials forming a shelter for persons, animals or property.

Commission. The Duxbury Historical Commission.

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

Substantial Demolition. Demolition of more than 25% of a building, or one entire wall, or removal of the roof; 25% demolition of a façade visible from a public way shall also be considered substantial. The replacement of existing doors, windows and/or exterior cladding without requiring structural modification shall not be considered substantial.

Total Demolition. The destruction and removal of an entire building.

Demolition Delay Period. The twelve (12) month period during which the Building Commissioner shall not deem an application for a demolition permit complete, nor issue a demolition permit.

Significant Building. A building that in whole or in part was built seventy-five (75) years or more prior to the date of the Application for Demolition Permit, and which the Commission determines meets at least one of the criteria:

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

609.3 Review Standards and Procedures

A permit for the demolition of any building that is in whole or in part more than seventy-five (75) years old may only be issued in compliance with this By-law. If the age of a building is unknown, or the provenance of the building is unclear, it shall be presumed that it is more than 75 years old for the purposes of this By-law.

609.3.1 Application for Demolition Permit

An applicant wishing to begin total or substantial demolition of a building subject to this By-law shall file an Application for Structure Demolition Certification with the Building Commissioner. The application must meet the requirements specified in then-current Historical Commission Rules and Regulations.

Upon receipt of the Application for Structure Demolition Certification, the Building Commissioner shall determine if the application is complete and, if it is, shall apply a date stamp, and forward copies of the application to the Commission and the Planning Director.

609.3.2 Initial Determination

The Commission shall consider the Application for Structure Demolition Certification at the next scheduled Commission meeting that occurs ten (10) or more business days after the receipt date of a completed application, but no more than thirty (30) business days.

Prior to the meeting, the Commission may, with the consent of the applicant, conduct a site inspection of the building at the discretion of either the Commission Chair or his/her designee.

At the meeting, the Commission shall review the complete Application for Structure Demolition Certification and make an initial determination as to whether or not the building is a significant building.

If the Commission determines that the building is not significant in accordance with the By-law, a member of the Commission will sign the Application for Structure Demolition Certification to certify it as not significant and forward it to the Building Commissioner, who may then issue the demolition permit.

If the Commission determines that the building is a significant building as defined in this By-law, the Commission shall so notify the Building Commissioner who shall then so notify the applicant. The Commission shall schedule a public hearing to be held no more than thirty (30) business days from the date of the initial determination.

609.3.3 Public Hearing

The Town shall arrange for publication of a notice of the hearing in a newspaper of local circulation during each of the two weeks preceding the date of the public hearing, noting the time, date, location and subject of the hearing. Such notice shall be paid for by the applicant. The Town shall also mail, certified return receipt, a copy of said notice to the applicant, and, by regular mail, to the owners of all properties within 300 feet of the regulated building's property as they appear on the most recent real estate tax list of the Board of Assessors and to the Planning Board. The public hearing shall also be posted at Town Hall in accordance with applicable regulations.

The public hearing serves to ensure that the public has the opportunity to be heard concerning the determination of historic significance.

609.3.4 Final Determination

No later than the next regularly scheduled meeting after the conclusion of the public hearing, the Commission shall make a final determination if the building is a significant building. If agreed to in writing by the applicant, the determination of the Commission may be continued to a later date.

The Commission Chair or his/her designee will notify the Building Commissioner on the next business day after the Commission makes a final determination. The Building Commissioner shall in turn notify the applicant of the final determination.

If the Commission determines that the building is not historically significant, the Commission shall issue a Historic Structure Demolition Certification stating that demolition may commence forthwith, and the Building Commissioner may then issue a demolition permit.

If the Commission determines that the building is historically significant, the Commission shall issue a Historic Structure Demolition Certification stating that demolition may not commence earlier than the prescribed delay period. The Building Commissioner shall refrain from issuing a demolition permit for the duration of the demolition delay period, starting from the date of certification, unless such certification is rescinded or otherwise agreed-to in writing by the Commission. The Historic Structure Demolition Certification will expire twelve (12) months from the date of expiration of a Demolition Delay Period. The Commission may extend the Historic Structure Demolition Certification for good cause shown by the applicant.

609.3.5 Alternatives to Demolition

During the demolition delay period, the Commission shall invite the applicant, the Building Commissioner, the Planning Director, a member of the Design Review Board to participate in an investigation of alternatives to demolition, including but not limited to:

- incorporating the building or structure into a new building or structure;
- utilizing financial incentives to rehabilitate the building or structure;
- seeking new owners willing to purchase and preserve, restore or rehabilitate the building or structure; or
- moving the building or structure.

The applicant may submit to the Commission documented evidence of specific actions taken toward alternatives to demolition. The Commission shall consider such evidence at a scheduled Commission meeting.

609.3.6 Rescinding Demolition Delay

In order to rescind a demolition delay, the Commission shall reconsider the application at a public hearing, pursuant to the same public hearing notification procedure specified in Section 609.3.3 of this By-law. The Building Commissioner may issue a demolition permit prior to the expiration of the twelve (12) month demolition delay period after receiving written notice from the Commission that:

- a) The applicant provides documentation showing that despite the applicant's continuing and bona fide efforts to preserve, rehabilitate, restore or relocate the significant building, such efforts have been unsuccessful or not feasible; or
- b) The applicant provides documentation showing that continuing bona fide efforts to find a new owner to purchase and preserve, rehabilitate, restore or relocate the subject building have been unsuccessful. These efforts might include, but not be limited to, listing with a realtor or realtors, advertising the building in local, South Shore, metropolitan Boston and New England general circulation newspapers, and requesting proposals for restoration, relocation; or
- c) The applicant has proposed, and the Commission has accepted, specific conditions related to the demolition.

609.4 Enforcement

No building permit shall be issued for two (2) years with respect to any premises upon which a building seventy-five (75) years or more old has been voluntarily demolished without a Historic Structure Demolition Certification. As used in this article, "premises" refers to the parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.

609.5 Exceptions to Withholding Demolition Permit in case of Emergency

In an emergency, nothing in this By-law shall prohibit the Building Commissioner from exercising the authority of G. L. c. 143, but the Building Commissioner shall make every reasonable effort to inform the Commission of his actions in such an emergency.

609.6 Transfer of Ownership

A Historic Structure Demolition Certification approved by the Commission may not be transferred to a new owner of the property on which the significant building is located unless approved by the Commission.

; or take any action in relation thereto.

Proposed by the Historic District Commission

Explanation: These changes are intended to define all terms used in the By-law, including partial demolition, clearly separate the Historical Commission compliance procedure from the Building Department's permitting process by identifying the Commission's action as an Historic Structure Demolition Certification, better define the specific deadlines for Commission action, formalize the site inspection practice, and clarify the responsibilities of the Commission and the Town.

In addition, the revisions do the following: (a) impose a new sanction in case of non-compliance that would restrict development on a subject parcel for 2 years in the case of an intentional violation of the By-law; (b) require a separate public hearing in order to rescind a demolition delay prior to expiration; (c) require Historical Commission review and approval if the property is sold during the enforcement period; and (d) increase the delay period from 6 months to 12 months.

***Recommendations: Board of Selectmen Vote – Available at Town Meeting
Finance Committee Voted 0-5 to Recommend***

ARTICLE 23 - 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 013-500-039, 067-500-012, 012-500-071, 014-500-033, 089-500-002, 089-500-001, 055-500-005, and 055-500-007, to be held in the care and custody of the Conservation Commission for conservation purposes under M.G.L. Chapter 40, Section 8(c); and as shown 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 using CPA funding to be permanent Open Space, and have Conservation Restrictions as required for lands purchased with CPA funds. This article transfers the care and custody of these parcels to the Conservation Commission.

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

ARTICLE 24 – 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, all for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017 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 which includes incidental project costs associated to and incidental to the Community Preservation Committee. Under the Community Preservation Act (“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 annually.

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

ARTICLE 25 – 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

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 Fund(s); or take any other action in relation thereto.

Proposed by the Community Preservation Committee

Explanation: The purpose of this article is to comply with M.G.L. Chapter 44B, Section 6, which 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% of the annual revenues in the Community Preservation Fund for open space, not less than 10% of the annual revenues for historic resources and not less than 10% of the annual revenues for community housing.

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

ARTICLE 26 – CPC: TOWN CLERK RECORDS BINDING

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

Proposed by the Community Preservation Committee

Explanation: The Town Clerk's office is seeking funding to bind volumes of permanent records that must be maintained in hard copy and that are currently stored in paper boxes. These documents include but are not limited to Town Warrants since 1947 and marriage intentions and supporting documentation for the period 1915-1983.

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

ARTICLE 27 - APPROPRIATION FOR SURVEY OF HALL'S CORNER

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money to be expended under the discretion of the Planning Director, to secure professional surveyor services to prepare a street layout of Hall's Corner for the Town of Duxbury; or take any other action in relation thereto.

Proposed by the Planning Board

Explanation: The Old Colony Planning Council (2014) and the Metropolitan Area Planning Council (2015) have recently completed studies with respect to economic vitality of Hall's Corner for the Town of Duxbury. In order to implement some of the proposed changes to the streetscape and public facilities, such as removing or planting trees or making other

improvements, a survey of the intersection is needed to establish the location of the road, utilities, sidewalks, trees, etc. in the public layout.

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

ARTICLE 28 - APPROPRIATION FOR ZONING AND DESIGN GUIDELINES FOR HALL'S CORNER

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money to be expended under the discretion of the Planning Director with direction from the Economic Advisory Committee to secure professional planning services to make recommendations on implementation, zoning and design guidelines for Hall's Corner; or take any other action in relation thereto.

Proposed by the Economic Advisory Committee

Explanation: The Old Colony Planning Council (2014) and the Metropolitan Area Planning Council (2015) have recently completed studies with respect to economic vitality of Hall's Corner for the Town of Duxbury. Both studies offer a wide range of recommendations, and the Economic Advisory Committee has evaluated these in terms of priority and feasibility. To take the next steps towards revitalization of Hall's Corner, a consultant will be asked to recommend specific zoning improvements, recommend a framework for revitalization and implementation of the study recommendations, and assist with a design charrette for the streetscape at Hall's Corner.

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

ARTICLE 29 -- FARM MANAGEMENT AGREEMENTS

To see if the Town will authorize the Selectmen or the Town Manager to enter into agreements pursuant to authority contained in M.G.L. Chapter 30B for the management of the Round Pond/Nudd Bog and the O'Brien Bog for a term up to ten (10) years; or take any other action in relation thereto.

Proposed by the Conservation Commission

Explanation: To allow the Selectmen to enter into two farm management agreements for a ten year period. The existing agreements are going to expire in 2016.

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

ARTICLE 30 – ROOF TOP SOLAR PHOTOVOLTAIC SYSTEM – CHANDLER ELEMENTARY SCHOOL

To see if the Town will authorize the School Committee to negotiate and execute, on such terms and conditions as it deems in the best interest of the Town, a power purchase agreement, and lease or license with a third party contractor or contractors to design, obtain permits, construct, operate, maintain and remove solar photovoltaic system(s) on public school property for terms not to exceed 22 years, unless subject to approval of renewal terms by a future Town Meeting, and such other related agreements as may be necessary, and further will authorize the Board of Selectmen, Town Manager, and Board of Assessors, in consultation with the School Committee, pursuant to the provisions of M.G.L. c.59, § 38H to negotiate and enter into a payment in lieu of tax agreement (PILOT) with the lessee/operator of the solar photovoltaic system(s) to be developed at the Chandler Elementary School property, located at 93 Chandler Street, and shown on Assessor's Map as Parcel 045-508-038, upon such terms and conditions as the Board of Selectmen, Town Manager, and Board of Assessors shall deem to be in the best interest of the Town; or take any action in relation thereto.

Proposed by the School Committee

Explanation: This article will allow the Town to enter into a power purchase agreement and lease or license with a third party contractor to install solar photovoltaic systems (solar panels) on roofs at the Chandler Elementary School property. The contract will provide for 20 years of commercial operation of the solar system and up to two years for design, permitting, construction, testing and interconnection to the electric grid, although construction is usually completed in much less time. The Town will purchase electricity or net metering credits based on the electricity produced by the photovoltaic systems. The electricity purchased and/or the net metering credits will be used to reduce the cost of the electric bills of town owned buildings.

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

ARTICLE 31 - ACCEPTANCE OF SAW MILL ROAD

To see if the Town will vote to layout and accept as a town way, Saw Mill Road, Plan Book 53 Pages 1174-1177 and described in Deed Book 36311 Page 112 and as shown on a plan entitled Roadway As-Built Plan Saw Mill Road Duxbury Farms Definitive Subdivision Duxbury, MA. Scale 1"= 40' and dated November 20, 2014, prepared by Morse Engineering, Scituate, MA; or take any action relative thereto.

Proposed by Citizen Petition

Explanation: Saw Mill Road was an access road for Duxbury Farms as part of a M.G.L. c. 40B, sec. 21 lot subdivision created in November of 2014. The roadway was constructed to the requirements of the Massachusetts Subdivision Control Act but was never officially laid out by the Planning Board or Board of Selectmen of the Town of Duxbury. We, the owners of the 20

homes in the Duxbury Farms neighborhood located on Saw Mill Road, are asking that Town Meeting vote to accept the layout of this road and thereby confirm ownership by the Town.

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

ARTICLE 32 - ELECTRIC LOAD AGGREGATION

To see if the Town will authorize the Town Manager, subject to the approval of the Board of Selectmen, to develop a plan in accordance with M.G.L. Chapter 164, Section 134 and in consultation with and approval by the Massachusetts Department of Energy Resources to aggregate the electricity load of the residents and businesses in the Town, detailing the process and consequences of said aggregation, and to enter into contracts related thereto and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation program; or take any action in relation thereto.

Proposed by the Planning Director

Explanation: The Old Colony Planning Council (OCPC) has offered, to all of its member communities, the opportunity to collaborate to purchase electricity in bulk from competitive electricity suppliers instead of an investor-owned utility on behalf of the residences and small businesses within their communities. Most, if not all, of our neighboring OCPC member communities are also exploring this opportunity, and 72 municipalities in Massachusetts currently have approved municipal aggregation programs. The OCPC will provide all facilitation and full ongoing staff support. This vote will enable the Town to explore whether it wishes to participate, and does not obligate the Town to enter into a future contract. Additionally, should the Town choose to enter into the contract in the future, individual businesses and consumers will have the opportunity to opt out should they choose to do so. While rates may be lower as a result, billing statements would continue to arrive from the utilities currently servicing the individual customer as they do now.

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

ARTICLE 33 – ACCEPT THE PROVISIONS OF M.G.L. c. 140, §139(c)

To see if the Town will accept the provisions of M.G.L. Chapter 140, Section 139(c), to waive the annual dog license fees for any person aged 70 years or older, as of the first day of the year in which the license is to be obtained; or take any action in relation thereto.

Proposed by the Town Clerk

Explanation: By accepting the provisions of M.G.L. c. 140, § 139(c), fees related to dog licensure for those persons over the age of 70 would be waived. There are approximately 250 residents who would benefit from this revision (including currently licensed and unlicensed

dogs). These funds will be recovered by pursuing the approximately 1,200 people who fail to license their dogs on an annual basis. Many other communities have accepted or are in the process of accepting this provision.

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 4-1 to Recommend*

ARTICLE 34 - GENERAL BY-LAW AMENDMENT – SECTION 7.1, ANIMAL CONTROL

To see if the Town will amend Section 7.1 of the General By-laws, entitled “Animal Control,” as set out below:

Section 7.1 Animal Control

7.1.1 No person shall own or keep a dog in the Town of Duxbury (“Town”), six months of age or older, unless a license for such dog is obtained annually from the Town Clerk. Licenses are issued for the period ~~April 1st through March 31st~~ January 1st through December 31st. Prior to the issuance of a license, including kennel licenses, the owner or keeper of said dog shall pay the current fee(s) due, as well as all outstanding license fees and penalty charges. The fees for all licenses, including kennel licenses, late charges, transfer fees and fines shall be set by the Board of Selectmen as provided in Section 7.10 of these By-laws, unless otherwise established in Section 7.1.10 and unless Town Meeting approval is required by G.L. c. 140, § 139 or other applicable law.

; or take any action in relation thereto.

Proposed by the Town Clerk

Explanation: Under the current By-law, dog licensing runs from April 1st to March 31st of the next year. If approved, this proposal would amend the General By-laws to modify the licensure dates to a calendar year. The By-law, as amended, is shown in the article, with the amendment shown as the words stricken or underlined.

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

ARTICLE 35 - APPROPRIATION FOR THE 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 funding the Update of the Comprehensive (Master) Plan for the Town of Duxbury to be expended under the discretion of the Planning Director with direction from the Planning Board to secure professional planning services to assist with the process, or take any other action in relation thereto.

Proposed by the Planning Board

Explanation: The Comprehensive Plan (last updated in 1999, pursuant to MGL Chapter 41, § 81D) is a visionary document that states the shared vision for Duxbury's future, and acts as a guidepost for decisions in areas such as land use, economic development and transportation for the Town. The 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, aesthetics and shared values. An update of the Comprehensive Plan will be undertaken through a Steering Committee, with a new gathering of public input and information to update this common vision.

Changes in the fifteen years since the 1999 plan was adopted 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. 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, 2015) 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, and 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.

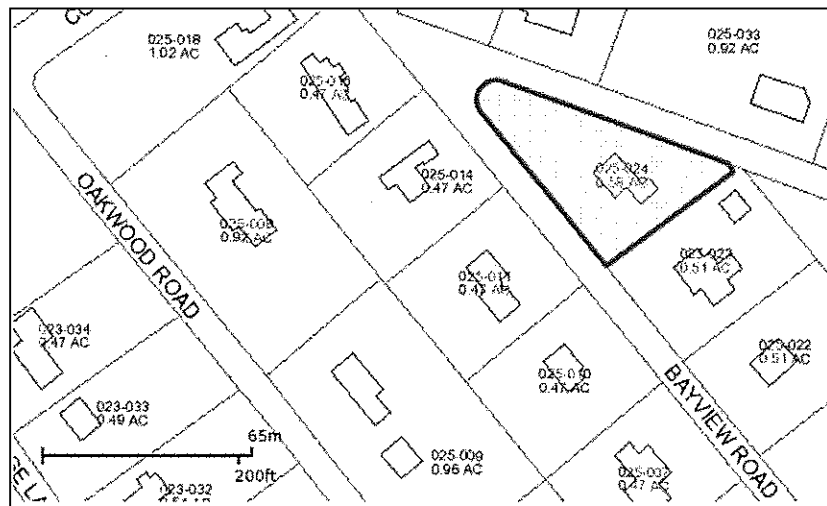
Demographics: The population has shifted in some respects, although population growth is in line with projections, and turnover has been relatively low in terms of people moving in or out of the community. In terms of the percent of the population, here are fewer children under 5 years of age (from 7 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 1403 to 2542 (an 80% increase).

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

ARTICLE 36 - AMEND HISTORIC DISTRICT MAP - 91 BAY VIEW ROAD

To see if the Town will amend the Historic Districts Map dated March 10, 2012 on file with the Town Clerk to create the Bay View Road Local Historic District and add the property comprised of 0.58 acres, more or less, and the buildings located upon it at 91 Bay View Road, known as Assessor Parcel #025-024 on Assessor Map 110 dated January 1, 2015, effective March 12, 2016; or take any other action in relation thereto.

Proposed by the Local Historic District Commission



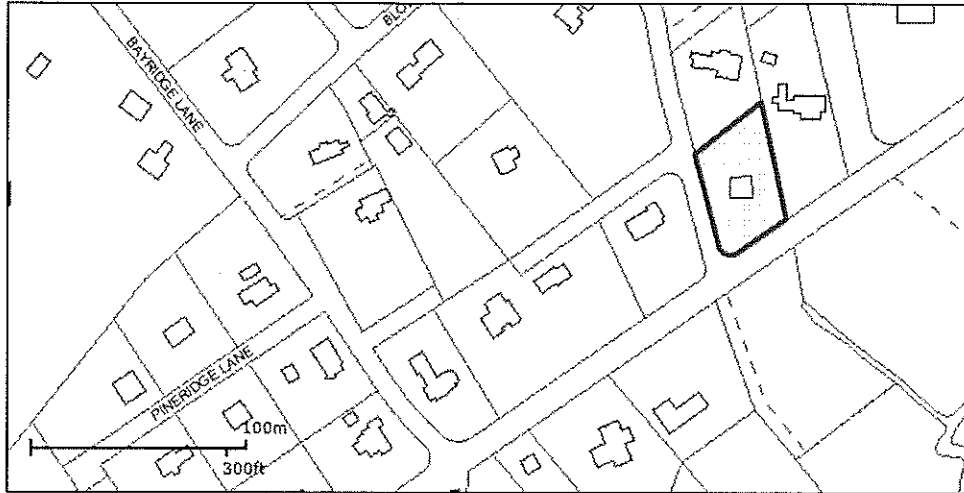
Explanation: In this article and the next three, the Duxbury Historical Commission is proposing the addition of 4 new Local Historic Districts along Tremont Street (aka Millbrook), Bay View Road, Powder Point Avenue and Bay Road. The districts would be comprised solely of resident volunteers who are interested in preserving the historic integrity of their homes, which in turn helps to preserve the historic fabric of Duxbury. Each district would have a minimum of 1 home and some may have multiple homes. The Districts would be established and maintained per the Local Historic District By-Law.

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

ARTICLE 37 - AMEND HISTORIC DISTRICT MAP - 120 BAY ROAD

To see if the Town will amend the Historic Districts Map dated March 10, 2012 on file with the Town Clerk to create the Bay Road Historic District and add the property comprised of 0.47 acres, more or less, and the buildings located upon it at 120 Bay Road, known as Assessor Parcel #025-036 on Assessor Map 111 dated January 1, 2015, effective March 12, 2016; or take any other action in relation thereto.

Proposed by the Local Historic District Commission



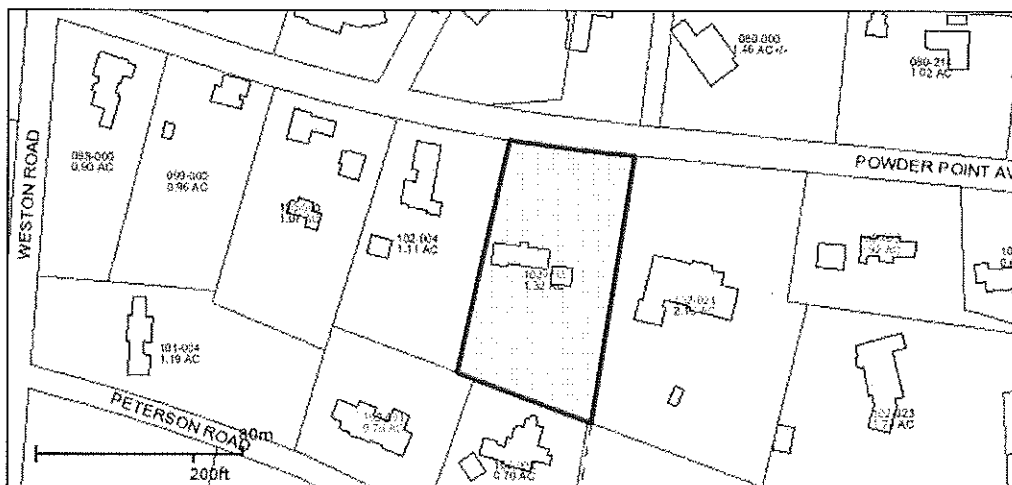
Explanation: *(Please refer to the Explanation for Article 36.)*

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

ARTICLE 38 - AMEND HISTORIC DISTRICT MAP - 233 POWDER POINT AVENUE

To see if the Town will amend the Historic Districts Map dated March 10, 2012 on file with the Town Clerk to create the Powder Point Avenue Local Historic District and add the property comprised of 1.32 acres, more or less, and the buildings located upon it at 233 Powder Point Avenue, known as Assessor Parcel #102-003 on Assessor Map 134 dated January 1, 2015, effective March 12, 2016; or take any other action in relation thereto.

Proposed by the Local Historic District Commission



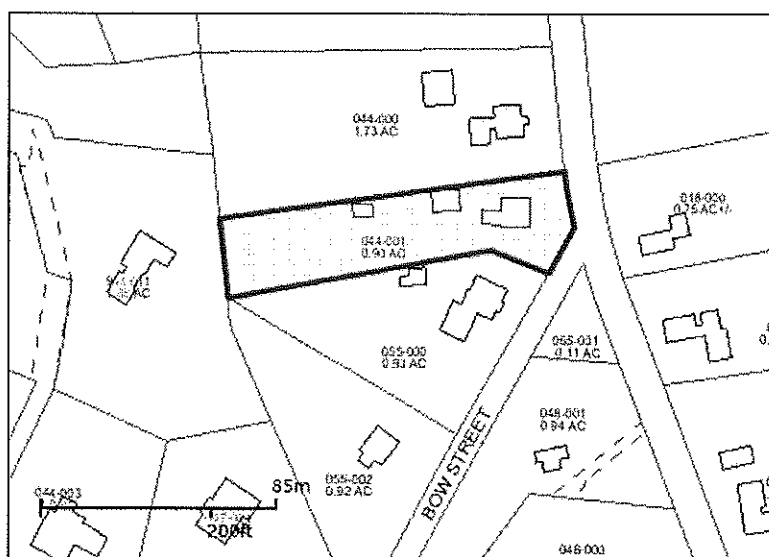
Explanation: *(Please refer to the Explanation for Article 36.)*

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

ARTICLE 39 - AMEND HISTORIC DISTRICT MAP - 1250 TREMONT STREET

To see if the Town will amend the Historic Districts Map dated March 10, 2012 on file with the Town Clerk to create the Millbrook Local Historic District and add the property comprised of 0.90 acres, more or less, and the buildings located upon it at 1250 Tremont Street, known as Assessor Parcel #044-001 on Assessor Map 090 dated January 1, 2015, effective March 12, 2016; or take any other action in relation thereto.

Proposed by the Local Historic District Commission



Explanation: *(Please refer to the Explanation for Article 36.)*

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

ARTICLE 40 - ACCEPT EASEMENT FROM WEBSTER POINT VILLAGE, LLC

To see if the Town will authorize the Selectmen to accept, on such terms and conditions as the Selectmen shall determine, non-exclusive easements within the Town of Duxbury, shown more or less on a plan entitled Webster Point Village Definitive Subdivision Plan Duxbury & Marshfield, Massachusetts, prepared by Sitec Environmental, Inc. dated April 10, 2014 on file with the Town Clerk and the Building Department, for the purpose of (1) entering upon, under, over and/or across all or a portion of ways, including access to water lines therein, for repair and maintenance purposes, (2) accessing stormwater facilities for repair and maintenance purposes, and (3) accessing certain ways on the plan to maintain and ensure clear sight distances at the intersection of Tremont Street (Route 3A) and that certain parcel of land located at 0 Tremont

Street, Duxbury, Massachusetts, Parcel No. 104-002-003 as shown on the Assessor's Map, or take any action in relation thereto.

Proposed by the Zoning Board of Appeals and Board of Selectmen

Explanation: The Modified Comprehensive Permit issued to Webster Point Village, LLC by the Zoning Board of Appeals on August 6, 2015 requires the developer to grant certain easements to the Town for the purposes of ensuring the health and safety of the public, including future Webster Point Village residents. The Comprehensive Permit requires the developer, and the future Homeowners Association to operate, maintain and repair all ways as private ways, unless and until Town Meeting accepts the ways as public at a future Town Meeting. The developer's grant of easements proposed for acceptance into this article would allow the Town to enter upon the Webster Point Village private ways to maintain the water utility infrastructure provided by the Town of Duxbury Water Department and in the event of an urgent response needed to protect health and safety.

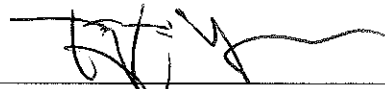
Recommendations: *Board of Selectmen Vote – Available at Town Meeting*
Finance Committee Vote – Available at Town Meeting

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 11th day of February, 2016.

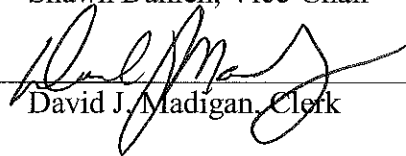
BOARD OF SELECTMEN



Theodore J. Flynn, Chair



Shawn Dahlen, Vice-Chair



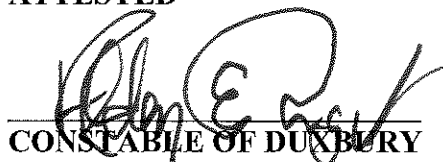
David J. Madigan, Clerk

Plymouth ss:

February 17, _____, 2016

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

**A TRUE COPY
ATTESTED**


CONSTABLE OF DUXBURY

TERMS USED IN MUNICIPAL FINANCE

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

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

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

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

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

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

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

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

Duxbury Talent Bank Form

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

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

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

NAME: _____ E-MAIL: _____

PHONE (H) _____ (C) _____

ADDRESS: _____

OCCUPATION: _____

Date of Submittal: _____ No. of Years in Duxbury: _____

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

Land Use & Conservation

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

- ☐ Duxbury Affordable Housing Trust
- ☐ Economic Advisory Committee
- ☐ Government Study Committee
- ☐ Highway Safety Advisory Committee
- ☐ Historical Commission
- ☐ Local Historic District Comm.
- ☐ Municipal Comm. On Disability
- ☐ Nuclear Advisory Committee
- ☐ Personnel Board*
- ☐ Shellfish Advisory Committee
- ☐ Water & Sewer Advisory Board*

Recreational Activities

- ☐ Fourth of July Committee
- ☐ Recreation Activities Committee

Finance

- ☐ Finance Committee*
- ☐ Fiscal Advisory Committee*

Government

- ☐ Board of Health
- ☐ Cemetery Trustees*
- ☐ Council on Aging
- ☐ Cultural Council

New & /or Temporary:

- ☐ Wind Advisory Committee
- ☐ Zoning By-law Review Committee

Please indicate any other areas of interest

*Appointed by Town Moderator

Revised: 12/14

