

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



**TOWN OF DUXBURY**  
**SATURDAY, MARCH 14, 2009**  
**AT 9:00 A.M.**

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**DUXBURY SCHOOLS PERFORMING ARTS CENTER**

**73 ALDEN STREET**

***PLEASE BRING THIS WARRANT TO TOWN MEETING***

## ***ANNOUNCEMENT FROM MUNICIPAL COMMISSION ON DISABILITY***

**The Annual Town Meeting will take place at the Duxbury Schools Performing Arts Center, 73 Alden St. on March 14, 2009. This location will be equipped with an assistive listening system. The system amplifies the sound and transmits to a personal assistive listening device. You can control the volume. To borrow a receiver, please stop by the designated table to sign out a device. When you are through for the day please return the receiver to the sign-out table, as they are in limited supply. This is a program of your Municipal Commission on Disability to make the Town Meetings more accessible to all.**

# ANNUAL TOWN MEETING WARRANT

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***COMMONWEALTH OF MASSACHUSETTS***

**TOWN OF DUXBURY - TOWN MEETING**

**WARRANT**

**Saturday, March 14, 2009**

**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 fourteenth day of March, 2009 next, at 9:00 o'clock in the forenoon for the transaction of any business that may legally come before said meeting:**

### Article 1

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

or take any action in relation thereto.

(Board of Selectmen)

*Finance Committee Recommendation: Approval*

### Article 2

To hear the reports of various Town Officers and Committees,

or take any action in relation thereto.

(Board of Selectmen)

*Finance Committee Recommendation: Approval*

### Article 3

To see what action the Town will take with regard to fixing the compensation of elected Town officers for the twelve month period beginning July 1, 2009, in accordance with M.G.L. Chapter 41, Section 108,

or take any action in relation thereto.

(Board of Selectmen)

	Appropriated	Requested	BOS	Finance
			Recommend	Committee
	FY09	FY10	FY10	Recommend
				FY10
<b>Moderator</b>	\$40	\$40	*	
<b>Selectmen</b>				
Chair	\$2,000	\$2,000	*	\$2,000
Member	\$1,500	\$1,500	*	\$1,500
Member	\$1,500	\$1,500	*	\$1,500
<b>Assessors</b>				
Chair	\$2,000	\$2,000	*	\$2,000
Member	\$1,500	\$1,500	*	\$1,500
Member	\$1,500	\$1,500	*	\$1,500
<b>Town Clerk</b>	\$67,000	\$67,000	*	\$67,000
<b>TOTAL</b>	\$77,040	\$77,040	*	\$77,040

\*available at Town Meeting

#### **Article 4**

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

or take any action in relation thereto.

(Board of Selectmen)

***Finance Committee Recommendation: Approval***

#### **Article 5**

To see if the Town will raise and appropriate, or transfer from available funds, including the Water Enterprise Fund, in accordance with M.G.L. Chapter 44 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, 2009 and ending June 30, 2010 inclusive, in accordance with the following schedule, which is incorporated by reference herein (See Article 5 FY10 Operating Budget on following pages),

or take any action in relation thereto.

(Finance Committee)

***(See Finance Committee Recommendations on Following Pages)***

#### **Article 6**

To see if the Town will raise and appropriate, transfer from the Water Enterprise Fund, the Stabilization Fund or other available funds or authorize borrowing or leasing, a sum or sums of money for capital projects and/or equipment in accordance with the following capital budget schedule, which is incorporated by reference herein and further to authorize the Board of Selectmen, acting as Water Commissioners, to impose betterments pursuant to M.G.L. Chapters 80 and 83 (See Article 6 Capital Projects Requests on following pages),

or take any action in relation thereto.

(Fiscal Advisory and Finance  
Committees)

***(See Fiscal Advisory Committee and Finance Committee Recommendations on Following Pages)***



Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>GENERAL GOVERNMENT</b>						
<b>Moderator</b>						
Salaries	40	40	40	40	40	40
Total	40	40	40	40	40	40
<b>Selectmen/Manager</b>						
Salaries	228,445	243,350	224,190	224,190	224,190	224,190
Expenses	24,696	31,122	27,622	26,724	26,724	26,724
Total	253,141	274,472	251,812	250,914	250,914	250,914
<b>Town Meeting</b>						
Expenses	6,859	4,920	4,920	4,920	4,920	4,920
Total	6,859	4,920	4,920	4,920	4,920	4,920
<b>Finance Committee</b>						
Expenses	250	500	500	500	500	500
Total	250	500	500	500	500	500
<b>Finance Director</b>						
Salaries	79,000	81,370	81,370	81,370	81,370	81,370
Expenses	1,667	2,000	2,500	2,500	2,500	2,500
Total	80,667	83,370	83,870	83,870	83,870	83,870
<b>Accounting</b>						
Salaries	169,598	193,894	188,400	188,400	188,400	188,400
Expenses	42,938	47,125	48,825	48,600	48,600	48,600
Total	212,536	241,019	237,225	237,000	237,000	237,000
<b>Information Systems</b>						
Salaries	55,160	56,401	58,255	58,201	58,201	58,201
Expenses	57,521	100,427	114,649	114,979	114,979	114,979
Total	112,681	156,828	172,904	173,180	173,180	173,180

**Article 5: FY 2010 Operating Budget**

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>Assessors</b>						
Salaries	186,991	195,792	206,792	206,792	206,792	206,792
Expenses	23,532	29,945	22,600	21,800	21,800	21,800
Total	210,522	225,737	229,392	228,592	228,592	228,592
<b>Treasurer/Collector</b>						
Salaries	227,108	307,552	276,891	276,891	276,891	276,891
Expenses	46,713	61,000	62,400	62,000	60,000	62,000
Total	273,821	368,552	339,291	338,891	336,891	338,891
<b>Audit</b>						
Expenses	40,000	40,000	40,000	40,000	40,000	40,000
Total	40,000	40,000	40,000	40,000	40,000	40,000
<b>Legal Services</b>						
Expenses	191,339	190,000	195,000	195,000	195,000	195,000
Total	191,339	190,000	195,000	195,000	195,000	195,000
<b>Personnel Board</b>						
Salaries	4,000	5,575	52,000	52,000	52,000	52,000
Expenses	926	3,000	3,000	3,000	3,000	3,000
Total	4,927	8,575	55,000	55,000	55,000	55,000
<b>Tax Title</b>						
Expenses	0	10,000	15,000	15,000	15,000	15,000
Total	0	10,000	15,000	15,000	15,000	15,000
<b>Town Clerk</b>						
Salaries	38,966	42,798	111,375	109,375	111,375	109,375
Expenses	2,723	3,250	3,450	3,450	3,450	3,450
Total	41,689	46,048	114,825	112,825	114,825	112,825
<b>Elections</b>						
Salaries	15,485	27,375	8,894	8,894	8,894	8,894
Expenses	19,342	16,800	14,200	14,200	14,200	14,200
Total	34,827	44,175	23,094	23,094	23,094	23,094

Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
Planning Board						
Salaries	83,887	89,978	91,479	91,479	91,479	91,479
Expenses	11,415	13,250	14,170	13,170	13,170	13,170
Total	95,301	103,228	105,649	104,649	104,649	104,649
Conservation Comm						
Salaries	86,245	90,800	106,880	106,880	106,880	106,880
Expenses	6,926	12,150	12,120	12,120	12,120	12,120
Total	93,171	102,950	119,000	119,000	119,000	119,000
Cable TV Advisory Committee						
Expenses	0	100	100	100	100	100
Total	0	100	100	100	100	100
Historical Commission						
Expenses	235	250	250	250	250	250
Total	235	250	250	250	250	250
General Government						
Salaries	1,174,924	1,334,925	1,406,566	1,404,512	1,406,512	1,404,512
Expenses	477,082	565,839	581,306	578,313	576,313	578,313
Total Gen. Gov't	1,652,006	1,900,764	1,987,872	1,982,825	1,982,825	1,982,825

Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>PUBLIC SAFETY</b>						
<b>Police</b>						
Salaries	2,567,306	3,020,205	3,117,575	2,991,334	2,991,334	2,991,334
Expenses	219,226	212,440	222,050	222,050	222,050	222,050
Total	2,786,532	3,232,645	3,339,625	3,213,384	3,213,384	3,213,384
<b>Fire</b>						
Salaries	1,845,404	1,975,966	1,982,353	1,982,353	1,982,353	1,982,353
Expenses	201,376	219,353	228,275	228,275	228,275	228,275
Total	2,046,780	2,195,319	2,210,628	2,210,628	2,210,628	2,210,628
<b>Inspectional Services</b>						
Salaries	330,480	384,521	391,197	381,197	381,197	381,197
Expenses	31,210	34,100	25,300	25,610	25,610	25,610
Total	361,690	418,621	416,497	406,807	406,807	406,807
<b>Harbor/Coastal Mgt</b>						
Salaries	180,698	187,548	191,543	173,235	173,235	173,235
Expenses	25,452	26,000	26,000	20,000	20,000	20,000
Total	206,150	213,548	217,543	193,235	193,235	193,235
<b>Public Safety</b>						
Salaries	4,967,554	5,568,240	5,682,668	5,528,119	5,528,119	5,528,119
Expenses	485,251	491,893	501,625	495,935	495,935	495,935
Total Public Safety	5,452,805	6,060,133	6,184,293	6,024,054	6,024,054	6,024,054

Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>PUBLIC WORKS</b>						
<b>Admin/Engineering</b>						
Salaries	222,520	233,469	251,073	251,073	251,073	251,073
Expenses	25,349	26,100	34,600	31,250	31,250	31,250
Total	247,869	259,569	285,673	282,323	282,323	282,323
<b>Highway/Road Maintenance</b>						
Salaries	330,895	391,698	415,807	416,407	416,407	416,407
Expenses	58,539	51,700	51,700	52,300	52,300	52,300
Total	389,433	443,398	467,507	468,707	468,707	468,707
<b>Snow and Ice</b>						
Salaries	41,914	55,000	55,000	55,000	55,000	55,000
Expenses	76,773	94,200	94,200	94,200	94,200	94,200
Total	118,687	149,200	149,200	149,200	149,200	149,200
<b>Central Fuel Depot</b>						
Expenses	179,365	228,400	253,400	242,500	242,500	242,500
Total	179,365	228,400	253,400	242,500	242,500	242,500
<b>Vehicle Maintenance</b>						
Salaries	69,412	95,061	98,796	98,796	98,796	98,796
Expenses	65,634	78,300	78,300	79,200	79,200	79,200
Total	135,046	173,361	177,096	177,996	177,996	177,996
<b>Street Lights</b>						
Expenses	34,995	39,000	39,000	0	0	0
Total	34,995	39,000	39,000	0	0	0
<b>Lands/Nat. Resources</b>						
Salaries	331,713	342,941	366,108	364,108	364,108	364,108
Expenses	43,369	48,900	39,400	39,800	39,800	39,800
Total	375,082	391,841	405,508	403,908	403,908	403,908
<b>Cemetery</b>						
Salaries	299,334	324,748	338,521	336,321	336,321	336,321
Expenses	146,360	157,880	180,383	173,206	173,206	173,206
Total	445,694	482,628	518,904	509,527	509,527	509,527

Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
Central Bldg. Serv's						
Salaries	37,645	39,688	42,811	42,811	42,811	42,811
Expenses	191,349	225,350	240,504	239,000	239,000	239,000
Total	228,994	265,038	283,315	281,811	281,811	281,811
Animal Control						
Salaries	43,666	50,777	50,777	50,777	50,777	50,777
Expenses	7,987	12,213	11,179	11,087	11,087	11,087
Total	51,653	62,990	61,956	61,864	61,864	61,864
Town Bldg. Maint.						
Expenses	25,603	36,200	36,200	36,900	36,900	36,900
Total	25,603	36,200	36,200	36,900	36,900	36,900
Tarklin Comm'ty Center						
Expenses	4,720	2,100	2,100	1,200	1,200	1,200
Total	4,720	2,100	2,100	1,200	1,200	1,200
Transfer Station						
Salaries	195,238	199,516	229,327	203,181	203,181	203,181
Expenses	629,038	750,212	552,728	551,928	551,928	551,928
Total	824,276	949,728	782,055	755,109	755,109	755,109
Water						
Salaries	500,629	590,283	620,311	620,311	620,311	620,311
Expenses	828,291	1,022,179	1,031,249	1,026,638	1,026,638	1,026,638
Total	1,328,921	1,612,462	1,651,560	1,646,949	1,646,949	1,646,949
Sewer						
Salaries	0	14,945	14,900	14,900	14,900	14,900
Expenses	204,476	221,635	221,635	208,400	208,400	208,400
Total	204,476	236,580	236,535	223,300	223,300	223,300
DPW						
Salaries	1,528,669	1,747,843	1,863,120	1,833,374	1,833,374	1,833,374
Expenses	1,685,569	1,972,190	1,835,329	1,760,971	1,760,971	1,760,971
Total DPW W/O Water	3,214,239	3,720,033	3,698,449	3,594,345	3,594,345	3,594,345
DPW						
Salaries	2,029,299	2,338,126	2,483,431	2,453,685	2,453,685	2,453,685
Expenses	2,513,860	2,994,369	2,866,578	2,787,609	2,787,609	2,787,609
Grand Total DPW (Water, inc)	4,543,159	5,332,495	5,350,009	5,241,294	5,241,294	5,241,294

**Article 5: FY 2010 Operating Budget**

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>LIBRARY &amp; RECREATION</b>						
<b>Library</b>						
Salaries	789,673	841,029	842,529	849,297	849,297	849,297
Expenses	255,560	302,293	300,793	307,071	307,071	307,071
Total	1,045,234	1,143,322	1,143,322	1,156,368	1,156,368	1,156,368
<b>Recreation</b>						
Salaries	134,352	140,626	141,826	141,826	141,826	141,826
Expenses	9,479	5,252	4,052	1,900	1,900	1,900
Total	143,831	145,878	145,878	143,726	143,726	143,726
<b>Percy Walker Pool</b>						
Salaries	161,326	178,826	178,826	0	0	0
Expenses	105,372	109,080	109,980	7,000	7,000	7,000
Total	266,698	287,906	288,806	7,000	7,000	7,000
<b>Beach Life Guards</b>						
Salaries	14,603	16,770	16,770	16,770	16,770	16,770
Expenses	2,030	1,100	1,100	1,100	1,100	1,100
Total	16,633	17,870	17,870	17,870	17,870	17,870
<b>North Hill Golf Course</b>						
Expenses	951	2,000	2,000	2,000	2,000	2,000
Total	951	2,000	2,000	2,000	2,000	2,000
<b>Public Celebrations</b>						
Expenses	3,902	4,000	4,500	4,500	4,500	4,500
Total	3,902	4,000	4,500	4,500	4,500	4,500
<b>Library &amp; Recreation</b>						
Salaries	1,099,954	1,177,251	1,179,951	1,007,893	1,007,893	1,007,893
Expenses	377,294	423,725	422,425	323,571	323,571	323,571
Total Library & Rec.	1,477,247	1,600,976	1,602,376	1,331,464	1,331,464	1,331,464

Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>HUMAN SERVICES</b>						
<b>Council on Aging</b>						
Salaries	291,012	307,112	281,314	281,314	281,314	281,314
Expenses	90,903	112,250	121,665	118,765	118,765	118,765
<b>Total</b>	<b>381,916</b>	<b>419,362</b>	<b>402,979</b>	<b>400,079</b>	<b>400,079</b>	<b>400,079</b>
<b>Veterans Services</b>						
Salaries	20,302	20,911	20,911	20,911	20,911	20,911
Expenses	28,181	36,450	45,650	45,650	45,650	45,650
<b>Total</b>	<b>48,483</b>	<b>57,361</b>	<b>66,561</b>	<b>66,561</b>	<b>66,561</b>	<b>66,561</b>
<b>Ply. Cty. Coop. Ext.</b>						
Expenses	200	200	200	200	200	200
<b>Total</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>
<b>Human Services</b>						
Salaries	311,314	328,023	302,225	302,225	302,225	302,225
Expenses	119,284	148,900	167,515	164,615	164,615	164,615
<b>Total Human Services</b>	<b>430,598</b>	<b>476,923</b>	<b>469,740</b>	<b>466,840</b>	<b>466,840</b>	<b>466,840</b>
<b>SCHOOLS</b>						
<b>Duxbury Schools</b>						
Salaries	17,431,397	20,197,418	21,368,868	21,007,868	21,007,868	21,007,868
Expenses	5,553,382	6,549,040	7,168,807	6,638,590	6,638,590	6,638,590
<b>Total Schools</b>	<b>22,984,779</b>	<b>26,746,458</b>	<b>28,537,675</b>	<b>27,646,458</b>	<b>27,646,458</b>	<b>27,646,458</b>



Article 5: FY 2010 Operating Budget

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
TOWN & SCHOOL SHARED COSTS						
EMPLOYEE BENEFITS						
Medicare	345,998	400,000	420,700	420,700	420,700	420,700
Employee Life & Health Insurance	6,101,765	7,290,000	7,306,744	7,306,744	7,306,744	7,306,744
Contributory Pensions	1,460,631	1,843,795	1,905,038	1,905,038	1,905,038	1,905,038
Non-Contributory Pensions	29,457	29,500	29,500	29,500	29,500	29,500
Unemployment Compensation	17,622	50,000	50,000	50,000	50,000	50,000
Workers Compensation	218,394	308,610	235,000	235,000	235,000	235,000
Sub-Total Employee Benefits	8,173,868	9,921,905	9,946,982	9,946,982	9,946,982	9,946,982
OTHER SHARED COSTS						
Fire, Liability, Insurance	249,269	291,718	310,000	310,000	310,000	310,000
Reserve Fund	100,000	100,000	100,000	100,000	100,000	100,000
Sub-Total Liab Ins/ResFd	349,269	391,718	410,000	410,000	410,000	410,000
DEBT SERVICE TOWN & SCH						
Principal Payments	2,547,462	2,554,860	1,761,774	1,761,774	1,761,774	1,761,774
Interest on Bonded Debt	873,381	673,086	569,680	569,680	569,680	569,680
Interest on Temp. Notes	47,430	20,000	20,000	20,000	20,000	20,000
Bond Expense	16,850	20,000	20,000	20,000	20,000	20,000
Sub-Total Debt	3,485,123	3,267,946	2,371,454	2,371,454	2,371,454	2,371,454
DEBT SERVICE WATER						
Principal Payments	550,000	880,000	804,000	760,922	760,922	760,922
Interest on Bonded Debt	127,315	216,165	193,015	233,789	233,789	233,789
Interest on Temp. Notes - Water	68,000	25,000	20,000	20,000	20,000	20,000
Bond Expense	0	80,000	20,000	20,000	20,000	20,000
Sub-Total Water Debt	745,315	1,201,165	1,037,015	1,034,711	1,034,711	1,034,711
Tot. Town/Sch Shrd Costs w/o Water	12,008,260	13,581,569	12,728,436	12,728,436	12,728,436	12,728,436

**Article 5: FY 2010 Operating Budget**

	FY 08 ACTUAL	FY 09 BUDGET	FY 10 DEPT REQ	FY 10 FIN DIR	FY 10 TN MGR	FY 10 FIN COMM
<b>EXPENSES</b>						
<b>OPERATING PROGRAMS</b>						
General Government	1,652,006	1,900,764	1,987,872	1,982,825	1,982,825	1,982,825
Public Safety	5,452,805	6,060,133	6,184,293	6,024,054	6,024,054	6,024,054
Public Works	3,214,239	3,720,033	3,698,449	3,594,345	3,594,345	3,594,345
Library & Recreation	1,477,247	1,600,976	1,602,376	1,331,464	1,331,464	1,331,464
Human Services	430,598	476,923	469,740	466,840	466,840	466,840
Education	22,984,779	26,746,458	28,537,675	27,646,458	27,646,458	27,646,458
Town & School Shared Costs	12,008,260	13,581,569	12,728,436	12,728,436	12,728,436	12,728,436
<b>SUB-TOTAL OPERATING</b>	<b>47,219,934</b>	<b>54,086,856</b>	<b>55,208,841</b>	<b>53,774,422</b>	<b>53,774,422</b>	<b>53,774,422</b>
<b>Water</b>						
Operating	1,328,921	1,612,462	1,651,560	1,646,949	1,646,949	1,646,949
Debt	745,315	1,201,165	1,037,015	1,034,711	1,034,711	1,034,711
<b>SUB-TOTAL WATER ENTERPRISE</b>	<b>2,074,236</b>	<b>2,813,627</b>	<b>2,688,575</b>	<b>2,681,660</b>	<b>2,681,660</b>	<b>2,681,660</b>

## DUXBURY PUBLIC SCHOOLS FY10 BUDGET

FY08                      FY09 TOWN MEETING                      FY10 Jan 7, 2009  
 EXPENDED                      APPROVED BUDGET                      BUDGET PROPOSAL

<b>POLICY and ADMINISTRATION</b>			
(includes salaries and expenses covering School Committee, Retirements and K-12 support services for schools)			
<b>POLICY AND ADMINISTRATION</b>	1,281,546	1,248,682	1,229,901

<b>REGULAR INSTRUCTION</b>			
(includes academic programs which are either required or available on an elective basis to all)			
<b>REGULAR INSTRUCTION</b>	14,403,679	15,375,126	15,477,932
<b>SPECIAL INSTRUCTION</b>			
(includes programs for students with special learning needs, vocational and occupational education)			
<b>SPECIAL INSTRUCTION</b>	4,843,239	4,937,450	5,043,416

<b>INSTRUCTIONAL SUPPORT SERVICES</b>			
(includes programs providing support for classroom teaching or programs which provide direct services to students)			
<b>INSTRUCTIONAL SUPPORT SERVICES</b>	2,153,035	2,206,916	2,329,405

<b>OPERATIONAL SERVICES</b>			
(includes programs related directly to operating the school facilities)			
<b>OPERATIONAL SERVICES</b>	3,336,809	2,978,284	3,565,805

<b>TOTAL SCHOOL BUDGET</b>	<b>26,018,308</b>	<b>26,746,458</b>	<b>27,646,458</b>
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	Article 6 Capital Projects Requests				
	Fiscal 2010 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES
<b>GENERAL GOVERNMENT</b>					
<b>Information Systems</b>					
Police - Replace Mobile Cruiser Units (4)	22,095	14,730	14,730	14,730	
Fire - Red Alert Software Updates & Installation	5,315	5,315	5,315	5,315	
<b>Conservation</b>					
Replace 1998 Nissan Pick-up Truck	13,250	13,000	13,000	13,000	
<b>GENERAL GOVERNMENT TOTAL</b>	40,660	33,045	33,045	33,045	
<b>PUBLIC SAFETY</b>					
<b>Fire Department</b>					
Refurbish Inflatable Boat & Motor	40,000	40,000	40,000	40,000	
Replace 1992 Rescue Truck	325,000	-	-	-	
Replace Fire Hoses	19,521	19,521	19,521	19,521	
Replace Self Contained Breathing Apparatus	8,000	8,000	8,000	8,000	
Replace Tires for Engines	5,000	5,000	5,000	5,000	
Foam	1,958	-	-	-	
<b>Harbormaster</b>					
Replace 2001 Patrol Vehicle	33,732	-	33,371	-	
Aids to Navigation	10,935	10,935	10,935	10,935	
<b>PUBLIC SAFETY TOTAL</b>	444,146	83,456	116,827	83,456	

	Article 6 Capital Projects Requests					
	Fiscal 2010 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES	
<b>PUBLIC WORKS</b>						
<b>Central Buildings Services</b>						
DPW Garage Metal Walls	12,000	12,000	12,000	12,000		
Replace Old Town Hall Roof	25,000	-	-	-		
<b>Lands &amp; Natural Resources</b>						
Replace 1998 Bucket Truck H-23	160,000	-	-	-		
Replace 2000 Toro Grounds Master	87,000	-	-	-		
Replace 2002 3/4 Ton Pick-up Truck	28,500	-	-	-		
<b>Highway</b>						
Replace 1993 Six Wheel Dump Truck H-28	147,000	-	-	-		
Replace 2001 JCB Backhoe #9	145,000	-	-	-		
<b>Transfer Station</b>						
	-	-	-	-		
<b>Cemetery</b>						
Reline Crematory Retorts	70,000	70,000	70,000	70,000		
Replace Cemetery Office Roof	25,000	-	-	-		
Replace 1995 Toro Workman 300	22,640	22,640	22,640	22,640	Sale of Lots & Graves RRFA	
Design For New Crematory	80,000	80,000	80,000	80,000	Article 6-4 3/04 ATM - Remodel Crematory	
<b>DEPARTMENT OF PUBLIC WORKS TOTAL (w/o water)</b>	<b>802,140</b>	<b>184,640</b>	<b>184,640</b>	<b>184,640</b>		

	Article 6 Capital Projects Requests					
	Fiscal 2010 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES	
HUMAN SERVICES						
Council On Aging						
Replace Senior Center Flooring in Kitchen	5,931	5,931	5,931	5,931		
HUMAN SERVICES TOTAL	5,931	5,931	5,931	5,931		
LIBRARY & RECREATION						
Library						
Intergrated Materials Flow Management System - Ph I	50,000	-	-	-		
Replace Gas Water Heater	4,000	4,000	2,000	4,000		
Replace Carpet	2,000	2,000	-	2,000		
Install Light Blocking Window Shades	900	-	-	-		
Recreation						
Resurface Tarklin Tennis Courts	12,000	-	-	-		
Install Playground Surfacing	5,000	5,000	5,000	5,000		
North Hill Golf Course						
Replace Irrigation Pump Work	10,000	10,000	10,000	10,000		
LIBRARY & RECREATION TOTAL	83,900	21,000	17,000	21,000		

	Article 6 Capital Projects Requests				
	Fiscal 2010 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES
DUXBURY SCHOOLS					
Information Technology					
Library Software Upgrades - All Schools	14,268	14,268	14,268	14,268	
Network Upgrades - All Schools	10,000	10,000	10,000	10,000	
Mobile Class Computer System - All Schools	35,000	35,000	35,000	35,000	
Replace Computers - All Schools	90,000	90,000	90,000	90,000	
Install Wireless System Phase II - DHS	12,000	12,000	12,000	12,000	
World Language Lab Hardware & Software - DHS	32,500	32,500	32,500	32,500	
Other Capital Items					
Construct New Classrooms	20,000	20,000	20,000	20,000	
New Classrooms Furniture	5,000	5,000	5,000	5,000	
Replace Classroom Furniture	20,000	20,000	20,000	20,000	
Purchase & Replace Cafeteria Tables	12,000	12,000	12,000	12,000	
Convert to White Marker Boards	9,000	9,000	9,000	9,000	
Replace Drama Scaffolding	5,000	5,000	5,000	5,000	
Repair and Improve Airconditioning - DMS	10,000	10,000	10,000	10,000	
Replace Floor Cleaner/Polishers (2)	11,990	11,990	11,990	11,990	
Renovate Tennis Courts - DHS	75,000	75,000	75,000	75,000	
Repair Indoor & Outdoor Bleachers - DHS	13,000	13,000	13,000	13,000	
Replace 1998 Utility Van	25,910	25,910	25,910	25,910	
SCHOOL DEPARTMENT TOTAL	400,668	400,668	400,668	400,668	
GENERAL FUND TOTAL	1,777,445	728,740	758,111	728,740	

	Article 6 Capital Projects Requests					
	Fiscal 2010 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES	
WATER ENTERPRISE FUND						
Upgrade SCADA System	390,000	390,000	390,000	390,000		
Leak Detection	12,000	12,000	12,000	12,000		
Replace 2001 S-10 Truck W-2	22,424	-	-	-		
Install Air Compressor	15,000	-	-	-		
Water System Rehabilitation	150,000	-	-	-		
PCE Main Pipe Replacement	100,000	100,000	100,000	100,000		
Engineering for Storage/Shop Facility	75,000	-	-	-		
WATER ENTERPRISE FUND TOTAL	764,424	502,000	502,000	502,000		



# LONG TERM DEBT AND INTEREST BUDGET

DATE OF BOND ISSUE	EXPENDED Fiscal Year 2008	PROJECTED Fiscal Year 2009	REQUESTED Fiscal Year 2010
<b>PRINCIPAL PAYMENTS:</b>			
<b>SEWER:</b>			
04/01/97	32,400	33,275	34,189
10/25/00	10,872	10,872	10,872
07/24/03	10,713	10,713	10,713
12/15/02	55,000	55,000	55,000
	<b>\$ 118,985</b>	<b>\$ 109,860</b>	<b>\$ 110,774</b>
<b>WATER:</b>			
12/15/98	225,000	225,000	100,000
06/15/01	40,000	40,000	40,000
08/15/01	20,000	20,000	20,000
12/15/02	60,000	60,000	60,000
11/15/03	40,000	40,000	40,000
05/15/04	110,000	110,000	110,000
12/15/05	50,000	50,000	50,000
02/15/07	92,000	95,000	99,000
05/15/08	-	85,000	85,000
05/15/08	-	40,000	40,000
01/01/09	-	-	116,922
	<b>\$ 637,000</b>	<b>\$ 765,000</b>	<b>\$ 760,922</b>
<b>SCHOOL:</b>			
06/15/00	170,000	150,000	150,000
12/15/05	100,000	100,000	100,000
12/15/05	775,000	775,000	775,000
02/15/07	25,000	20,000	20,000
	<b>\$ 1,070,000</b>	<b>\$ 1,045,000</b>	<b>\$ 1,045,000</b>
<b>OTHER BUILDINGS:</b>			
12/15/97	160,000	175,000	175,000
06/15/00	60,000	60,000	60,000
08/15/01	145,000	145,000	145,000
12/15/05	15,000	15,000	-
02/15/07	19,000	20,000	20,000
	<b>\$ 399,000</b>	<b>\$ 415,000</b>	<b>\$ 400,000</b>

DATE OF BOND ISSUE	EXPENDED		PROJECTED		REQUESTED	
	Fiscal Year	2008	Fiscal Year	2009	Fiscal Year	2010
<b>CONSERVATION AND LAND:</b>						
12/15/98		155,000		150,000		-
12/15/02		30,000		30,000		30,000
		<b>\$ 185,000</b>		<b>\$ 180,000</b>		<b>\$ 30,000</b>
<b>EQUIPMENT:</b>						
12/15/05		662,000		655,000		-
02/15/07		124,000		130,000		126,000
		<b>\$ 941,000</b>		<b>\$ 785,000</b>		<b>\$ 126,000</b>
<b>OTHER:</b>						
02/15/07		20,000		20,000		20,000
02/15/07		20,000		15,000		15,000
05/15/08		-		15,000		15,000
		<b>\$ 40,000</b>		<b>\$ 50,000</b>		<b>\$ 50,000</b>
		<b>\$ 3,390,985</b>		<b>\$ 3,349,860</b>		<b>\$ 2,522,696</b>
<b>TOTAL PRINCIPAL</b>						
<b>INTEREST PAYMENTS:</b>						
		<b>\$ 35,639</b>		<b>\$ 33,329</b>		<b>\$ 31,167</b>
Sewer						
Water		125,720		226,461		236,432
School		499,350		454,850		411,475
Buildings		140,713		101,577		88,741
Conservation & Land		14,070		7,070		3,140
Equipment		56,050		23,340		5,040
Other		5,800		8,330		6,106
		<b>\$ 877,342</b>		<b>\$ 854,957</b>		<b>\$ 782,101</b>
Total Interest on Long Term Debt						
Temporary Interest / Bond Expense		130,250		145,000		80,000
		<b>\$ 4,398,576</b>		<b>\$ 4,349,817</b>		<b>\$ 3,384,797</b>
<b>TOTAL</b>						
Water Department		(852,720)		(1,081,461)		(1,037,354)
		<b>\$ 3,545,856</b>		<b>\$ 3,268,356</b>		<b>\$ 2,347,443</b>
<b>TOWN GENERAL DEBT &amp; INTEREST</b>						

## **Article 7**

To see if the Town will vote to amend the Town By-law, known as the "Duxbury Personnel Plan", as originally accepted on March 12, 1955, and last amended as of March 8, 2008 by replacing it with a new revised By-Law, a copy of which is on file in the Town Clerk's Office, which revised By-Law is incorporated herein, to become effective July 1, 2009 and to raise and appropriate, or transfer from available funds, such sums of money as are necessary to implement the Personnel Plan and provide funding for other salary compensation not a part of the Personnel Plan,

or take any action in relation thereto.

(Personnel Board)

***Finance Committee Recommendation: Available at Town Meeting***

## **Article 8**

To see if the Town will vote to raise and appropriate, 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, 2009:

- Duxbury Police Association
- Duxbury Police Commanders Association
- Service Employees International Union, CTW-CLC, Local 888 (Library Employees)
- Local 2167 International Association of Firefighters A.F.L.-C.I.O.
- Public Safety Dispatchers
- Local 1700, Council 93, AFSCME, Duxbury DPW Employees Unit
- Service Employees International Union, AFL-CIO Local 888 (Town Hall Clerical Employees)
- Local 1700, AFSCME, AFL-CIO - Custodians
- Massachusetts Teachers Associations:
  - Unit A Teachers
  - Unit B Instructional Assistants
- Duxbury Secretaries/Clerks Association (School)
- Cafeteria Association, AFSCME,

or take any action in relation thereto.

(Board of Selectmen) (School Committee)

***Finance Committee Recommendation: Available at Town Meeting***

## **Article 9**

To see if the Town will vote to rescind any Town debt as authorized and unissued at previous Town Meetings, or take any action in relation thereto.

(Finance Department)

***Finance Committee Recommendation: Approval***

## **Article 10**

To see if the Town will vote, upon recommendation of the Board of Selectmen, to authorize revolving funds under M.G.L. Chapter 44, Section 53E 1/2 for the following purposes:

Council on Aging Revolving Fund: to be credited with all fees and charges received from the Senior Center Programs as established by the Board of Selectmen and to authorize the expenditure of an amount not to exceed \$70,000 from said Revolving Fund, to be expended under the direction of the Director of the Council on Aging, for Senior Center Programs;

***Finance Committee Recommendation: Approval***

GIS Revolving Fund: to be credited with all fees and charges received for the Geographic Information System (GIS) program as established by the Board of Selectmen and to authorize the expenditure of no more than \$6,000 from said Revolving Fund, to be expended under the direction of the Town Manager for maintenance of and upgrades to the GIS program;

***Finance Committee Recommendation: Approval***

Jaycox Tree Farm Revolving Fund: to be credited with all fees and charges received from the operation of the Jaycox Tree Farm as established by the Conservation Commission and to authorize the expenditure of no more than \$15,000 from said Revolving Fund, to be expended under the direction of the Conservation Administrator for supplies and any needs of the Jaycox Christmas Tree Farm;

***Finance Committee Recommendation: Approval***

or take any action in relation thereto.

(Finance Department)

## **Article 11**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to be expended under the direction of the Town Manager for the purpose of leasing Duxbury Beach, being that portion of land in the Towns of Duxbury and Plymouth owned by Duxbury Beach Reservation, Inc., south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of the Powder Point Bridge (subject to

the migratory shorebird refuge at High Pines and excluding the land at High Pines leased to a third party) and authorize the Board of Selectmen to execute a lease in the name and on behalf of the Town, for a period beginning on July 1, 2009 and ending June 30, 2010 on such terms as the Board of Selectmen may approve,

or take any action in relation thereto.

(Board of Selectmen)

***Finance Committee Recommendation: Approval***

### **Article 12**

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

or take any action in relation thereto.

(Board of Selectmen)

***Finance Committee Recommendation: Approval***

### **Article 13**

To see if the Town will vote to amend certain provisions of the acceptance by the Town at its' annual elections on March 24, 2001, of the Community Preservation Act, Section 3 to 7 of Chapter 44B of Massachusetts General Laws, as follows: To change the level of the surcharge from 3% to .25%, and further to place such change approved by the Town Meeting on the ballot for acceptance by the voters of the Town of Duxbury at the next qualifying Town or State election,

or take any action in relation thereto.

(Citizens' Petition)

***Finance Committee Recommendation: Disapproval***

### **Article 14**

To see if the Town will vote to raise and appropriate, or transfer, upon recommendation of the Community Preservation Committee, from the Community Preservation 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, 2009 and ending June 30, 2010 inclusive,

or take any action in relation thereto.

(Community Preservation Committee)

***Finance Committee Recommendation: Approval***

### **Article 15**

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

or take any action in relation thereto.

(Community Preservation Committee)

***Finance Committee Recommendation: Approval***

### **Article 16**

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to be added to the Conservation Fund to be used under the direction of the Conservation Commission for any purpose authorized by Chapter 40, Section 8C, and in accordance with Chapter 44B,

or take any other action in relation thereto.

(Community Preservation Committee/Conservation  
Commission)

***Finance Committee Recommendation: Approval***

***Fiscal Advisory Committee Recommendation: Approval***

### **Article 17**

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to continue the survey of historic properties, including costs related thereto, and to authorize the Town Manager to expend sums of money from the Community Preservation Fund for the purposes of this article,

or take any other action in relation thereto.

(Community Preservation Committee/Historical  
Commission)

***Finance Committee Recommendation: Approval***

### **Article 18**

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to fund the restoration of the historic Tarkiln Community Center, located on Summer Street, including costs related thereto, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose,

or take any other action in relation thereto.

(Community Preservation Committee/Tarkiln Study  
Committee)

***Finance Committee Recommendation: Approval***

***Fiscal Advisory Committee Recommendation: Available at Town Meeting***

### **Article 19**

To see if the Town will vote to authorize the placement of the World War Monument on Town-owned property and to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to rehabilitate the World War Monument, including costs related thereto, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose,

or take any other action in relation thereto.

(Community Preservation Committee/World War  
Monument Committee)

***Finance Committee Recommendation: Approval***

***Fiscal Advisory Committee Recommendation: Approval***

### **Article 20**

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to develop design and engineering plans and specifications for a shared pedestrian and bike path along Tremont Street from Chestnut Street to Depot Street, including costs related thereto, and to authorize the Board of Selectmen, on terms that the Board of Selectmen deem to be in the best interests of the Town, to enter into easements for the purposes of this article, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to authorize the Town Manager to expend sums

of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose,

or take any action in relation thereto.

(Community Preservation Committee/Sidewalk &  
Bike Path Committee)

***Finance Committee Recommendation: Approval***

### **Article 21**

To see if the Town will vote to dedicate a parcel of land located on Temple Street (010-512-001) , as shown on file at the Office of the Town Clerk, for the purposes of community housing, and to authorize a permanent easement on parcel 010-512-001 for community housing, pursuant to M.G.L. Chapter 184, and to authorize the Board of Selectmen to issue Requests for Proposals for the long term lease of said parcel and further to authorize the Board of Selectmen to enter into a long-term lease of said parcel under terms and conditions that the Board of Selectmen deem to be in the best interests of the Town, and to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to develop design and engineering plans and specifications for one or more units of affordable housing on said parcel and costs related thereto, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose, or take any other action in relation thereto.

or take any action in relation thereto.

(Community Preservation Committee/Local Housing  
Partnership)

***Finance Committee Recommendation: Approval***

### **Article 22**

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund, to fund a Housing Recycling Program for community housing purposes to be administered by the Affordable Housing Trust, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to



authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose,

or take any other action in relation thereto.

(Community Preservation Committee/Local Housing Partnership)

***Finance Committee Recommendation: Approval***

***Fiscal Advisory Committee Recommendation: Approval***

### **Article 23**

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund, to fund a Housing Acquisition Program for community housing purposes to be administered by the Affordable Housing Trust, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose,

or take any action in relation thereto.

(Community Preservation Committee/Local Housing Partnership)

***Finance Committee Recommendation: Approval***

***Fiscal Advisory Committee Recommendation: Approval***

### **Article 24**

To see if the Town will vote to transfer the following Town-owned parcels to the Affordable Housing Trust for the purpose of promoting affordable housing identified on Duxbury Assessors Maps on file at the Office of the Town Clerk as:

Parcel 040-500-121 approximately .70 acres adjacent to Lakeshore Drive

Parcel 090-500-014 approximately .88 acres adjacent to Summer Street

or take any action in relation thereto.

(Sponsored by the Board of Selectmen on behalf of  
The Local Housing Partnership)

***Finance Committee Recommendation: Approval***

## **Article 25**

To see if the Town will vote to authorize the use of approximately .11 acres in area, located adjacent to Franklin Street and identified as parcel 120-503-007 on Duxbury Assessors Maps on file at the Office of Town Clerk, to be designated for the purposes of community housing and further authorize a permanent restriction under MGL Chapter 184, a parcel of land to be held under the care and control of the Board of Selectmen, and for costs related thereto for the Board of Selectmen to solicit grants or receive gifts for said property, and to authorize the Board of Selectmen to enter into a long term lease agreement for the property,

or take any action thereto.

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

***Finance Committee Recommendation: Approval***

## **Article 26**

To see if the Town will vote to adopt the Allocation of the Resources of the Duxbury Affordable Housing Trust Fund for Fiscal Year 2010 in accordance with the provisions of Chapter 112 of the Acts of 2005. The Provisions of this Allocation Plan are as follows:

### **A. First Time Homeownership Program**

1. Provide gifts, grants, or subsidies to assist low income homebuyers to purchase a home in the town of Duxbury.
2. Purchase rights of first refusal to acquire existing dwelling units for sale to low income households.

### **B. Conversion of Existing Properties**

1. Acquire and rehabilitate or redevelop existing residential units for purchase or rental by low income home buyers or tenants.
2. Acquire, redevelop or convert existing non-residential structures for low income housing purchasers or tenants.

### **C. Develop New Affordable Housing Units**

1. Acquire and/or construct new residential units for purchase or rental by low income home buyers or tenants.

or take any action in relation thereto.

(Board of Selectmen)

***Finance Committee Recommendation: Approval***

### **Article 27**

To see if the Town will vote to authorize the collector of Taxes to impose a charge for each written demand issued by the Collector to be added to and collected as part of the tax authorized by Massachusetts General Laws, Chapter 60, Section 15,

or take any action in relation thereto.

(Finance Department)

***Finance Committee Recommendation: Approval***

### **Article 28**

To see if the Town will vote to authorize all Town Departments to impose a “municipal charge lien” on real property for any unpaid fines, fees or permits that have not been paid by the date due as provided in Massachusetts General Laws Chapter 40, Section 58,

or take any action in relation thereto.

(Finance Department)

***Finance Committee Recommendation: Approval***

### **Article 29**

To see if the Town will vote to establish a Stabilization Fund for the Crematory and Cemetery as provided in Massachusetts General Laws Chapter 40, Section 5B and to raise and appropriate or transfer from available funds a sum of money for the purposes of this article

or take any action in relation thereto.

(Finance Department)

***Finance Committee Recommendation: Approval***

### **Article 30**

To see if the Town will vote to authorize the transfer of Town-owned land, identified as parcels 170-500-048, 170-500-049, 170-500-069, 210-500-001, 210-500-002, 210-500-010, 210-500-018, 210-500-046, 210-500-060, 210-500-066, 212-500-033, and 212-500-093 to be held in the care and custody of the Conservation Commission for conservation purposes under M.G.L. Chapter 40, Section 8c; said parcels being identified by location on documents on file at the Office of the Town Clerk,

or take any action in relation thereto

(Conservation Commission)

***Finance Committee Recommendation: Approval***

### **Article 31**

To see if the Town will vote to adopt the provisions of M.G.L. Chapter 40 Section 21D to allow the Town the option to utilize a non-criminal procedure for the disposition of violations of the Duxbury Conservation Commission Rules and Regulations for Use of Town of Duxbury Conservation Lands as defined in Regulation # 17,

or take any action in relation thereto.

(Conservation Commission)

***Finance Committee Recommendation: Approval***

### **Article 32**

To see if the Town will vote to authorize the Town Manager to enter into an agreement pursuant to authority contained in M.G.L. Chapter 30B for the management of the Cherry Lane Bog (parcel 100-502-066) and the Duxbury Bog (parcels 080-502-010 & 090-502-033) for a term of up to ten years;

or take any action in relation thereto.

(Conservation Commission)

***Finance Committee Recommendation: Approval***

### **Article 33**

To see if the Town will vote to appropriate a sum of money for architectural, engineering and design services to prepare contract bid documents and to construct and furnish a new combined police and fire station complex to be located on a portion of Parcel No. 140-501-019 on Tremont Street as shown on a site plan on file with the Town Clerk, and to authorize the care, custody and control of the section of Parcel No. 140-501-019 to be occupied by the police/fire complex to be transferred from the Cemetery Trustees to the Board of Selectmen for the purpose of public safety, and to authorize the care, custody and control of portions of Parcel Nos. 140-500-027 and 140-500-080, as shown on a site plan on file with the Town Clerk, to be transferred from the Board of Selectmen to the Cemetery Trustees for cemetery use, to determine whether this appropriation shall be raised by borrowing or otherwise, and if by borrowing to authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money under Chapter 44 of the General Laws or any other enabling authority, said appropriation to be expended under the direction of the Town Manager, and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay for the principal and interest on the bonds or notes to be issued for said purposes,

or take any action in relation thereto.

(Board of Selectman/Public Safety Building  
Feasibility Study Committee)

***Finance Committee Recommendation: Available at Town Meeting***

***Fiscal Advisory Committee Recommendation: Available at Town Meeting***

### **Article 34**

To see if the Town will vote to appropriate a sum of money for architectural, engineering and design services to prepare contract bid documents and to construct and furnish a new police station to be located on a portion of Parcel No. 150-500-039 on Mayflower Street as shown on a site plan on file with the Town Clerk, to determine whether this appropriation shall be raised by borrowing or otherwise, and if by borrowing to authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money under Chapter 44 of the General Laws or any other enabling authority, said appropriation to be expended under the direction of the Town Manager, and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay for the principal and interest on the bonds or notes to be issued for said purposes,

or take any action in relation thereto.

(Board of Selectman/Public Safety Building  
Feasibility Study Committee)

***Finance Committee Recommendation: Available at Town Meeting***

***Fiscal Advisory Committee Recommendation: Available at Town Meeting***

### **Article 35**

To see if the Town will vote to appropriate a sum of money for architectural, engineering and design services to prepare contract bid documents and to construct and furnish the rehabilitation of the Fire Department Headquarters Building on Parcel No. 150-503-040 on Tremont Street and to determine whether this appropriation shall be raised by borrowing or otherwise, and if by borrowing to authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money under Chapter 44 of the General Laws or any other enabling authority, said appropriation to be expended under the direction of the Town Manager, to authorize the Town Manager to accept any grants for such project, and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay the principal and interest on the bonds or notes to be issued for said purpose, or take any action in relation thereto.

or take any action in relation thereto.

(Board of Selectman/Public Safety Building  
Feasibility Study Committee)

***Finance Committee Recommendation: Available at Town Meeting***

***Fiscal Advisory Committee Recommendation: Available at Town Meeting***

### **Article 36**

To see if the Town will vote to appropriate a sum of money for a planning study including architectural, engineering, and design services for the purpose of determining the replacement, renovation, or modernization needs and budgetary costs of the structure and systems of the Duxbury Middle School and Duxbury High School located at 71 Alden St, Duxbury, MA and 130 St. George St, Duxbury, MA, respectively, including but not limited to boilers, mechanical, electrical (service, distribution), HVAC, flooring, walls, windows, roof, plumbing, and temperature control systems (electronic and pneumatic), said sum to be expended under the direction of the School Building Committee and with the approval of the School Committee, and to meet said appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and to authorize the School Building Committee to take all necessary actions to carry out this project, and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2), and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA,

or take any action in relation thereto.

(School Committee)

***Finance Committee Recommendation: Approval***

***Fiscal Advisory Committee Recommendation: Approval***

### **Article 37**

To see if the Town will vote to appropriate a sum of money for architectural, engineering, design services, bid documents, and construction work for the purpose of replacing the roof of the original portions of Chandler School located at 93 Chandler Street, Duxbury, MA (excludes the additions constructed in 2002), said sum to be expended under the direction of the School Building Committee and with the approval of the School Committee, and to meet said appropriation, authorize the Treasurer to borrow a sum of money, pursuant to Chapter 44 of the Massachusetts General Laws or any other enabling authority, and further to authorize the School Building Committee to take all necessary actions to carry out this project; such proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"); further that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty percent (40%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; said appropriation to be

contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 1/2 so called, the amounts required to pay the principal and interest on the bonds or notes to be issued for said purposes,

or take any action in relation thereto.

(School Committee)

*Finance Committee Recommendation: Approval*

*Fiscal Advisory Committee Recommendation: Approval*

### **Article 38**

To see if the Town will vote to appropriate a sum of money for construction, furnishings, and associated services for the renovation and improvement of the Percy Walker Pool, and to determine whether this appropriation shall be raised by borrowing or otherwise, and if by borrowing to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money for the purposes of this article under Chapter 44 of the General Laws, or other enabling authority, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to authorize the Town Manager to expend sums of money for the purposes of this article and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay for the principal and interest on the bonds or notes to be issued for said purposes, or take any action in relation thereto.

or take any action in relation thereto.

(Percy Walker Pool Long-Range Planning Committee)

*Finance Committee Recommendation: Approval*

*Fiscal Advisory Committee Recommendation: Approval*

### **Article 39**

To see if the Town will vote to amend Section 302 (Definitions) of the Duxbury Protective Bylaw by inserting in alphabetical order the following new definition:

**Open Space** – Any portion of the lot comprised of vegetative organic matter that is open and unobstructed from the lowest level to the sky, including courts and/or yards. Open space shall be free of automotive traffic and/or parking,

and further to amend Section 425 as follows: (Deletions from the original text are shown in ~~strike-through format~~. Additions to the original text are shown in ***bold italicized print***).



## 425 INTENSITY AND DIMENSIONAL REGULATIONS FOR ALL NEIGHBORHOOD BUSINESS DISTRICTS

### 425.1 Lot Area, Frontage, Depth Dimensions and Coverage

1. Minimum lot size for NB-1 and NB-2 is 15,000 square feet.
2. Lot Dimension for NB-1 and NB-2:

Frontage	100 linear feet
Depth	100 linear feet
Front setback	10 linear feet
Side setback	0 linear feet
Rear setback	0 linear feet
3. In a Neighborhood Business District where present buildings are less than forty (40) feet from the right-of way line, new buildings may be placed as near the right-of- way line as the average buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back forty (40) feet.
4. The minimum front setback shall be measured from the right-of-way giving legal access to any lot where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty **(20)** feet from and parallel with the center line of the traveled way. In the case of a corner lot, the distance of the front setback shall apply to any structure adjacent to either right-of-way.
5. In a Neighborhood Business District, no accessory building or structure shall be located within the required front setback. Accessory structures may be appended to the principal building or to another accessory building.
  - a) Corner Clearance – Within the triangle formed by the lines of intersecting ways and a line joining points on such lines fifteen **(15)** feet distance from their point of intersection, or in the case of a rounded corner, the point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height three and one-half (3.5) feet and height of eight (8) feet above the plan through their curb grades.
  - b) Projections – Nothing herein shall prevent the projection of steps, stoops, not exceeding thirty **(30)** square feet in any area, cornices, window sills or belt courses into any required setback.
  - c) Height – Maximum height shall be thirty (30) feet in NB 1 and NB 2.
  - d) Exemptions to Height Regulations – The limitations of height in feet shall not apply to chimneys, elevators, poles, ventilators, skylights, tanks, bulkheads, and other accessory structural features usually carried above roofs, nor to domes, towers, or spires of churches or other buildings provided such features are in no way used for living purposes and further provided that no such structural feature of any building shall exceed a height of sixty-five (65) feet from the ground. The Board of Appeals may grant a special permit for greater height for such structures and provided such greater height would not be hazardous or detrimental to the neighborhood.



**e) Open Space – In NB1 and NB2 Districts the minimum open space of a lot shall be no less than twenty percent (20%) of the total area of the lot. See Section 302 for definition of Open Space and Lot Area.**

e) **f) Site Coverage – In NB1 and NB2 Districts the maximum site coverage of a lot shall be no more than ~~fifty percent (50%)~~ **eighty percent (80%)** of the total area of the lot as defined in Section 302 and not "Lot Area."**

**g) Building Coverage – In NB1 and NB2 Districts the maximum building coverage shall be no more than twenty percent (20%) of the total area of the lot.**

f) **h) Bedrooms – Above ground floor apartments in Neighborhood Business Districts 1 and 2 shall be limited to no more than two (2) bedrooms.**

g) **(i) Reduction of Minimum Requirements – No lot, setback, court or other open space already having less than the minimum requirements in this Bylaw shall be further divided or reduced with respect to such minimum requirement or requirements.**

or take any action in relation thereto.

(Planning Board)

*Finance Committee Recommendation: Available at Town Meeting*

## **Article 40**

To see if the Town will vote to amend Article 600 of the Duxbury Protective Bylaw by deleting Section 603 (Parking Regulations) in its entirety and replacing it with a new Section 603 that reads as follows:

### **603 PARKING REGULATIONS**

#### **603.1 Purpose**

The purpose of the parking standards and regulations are to:

1. Provide adequate parking for business and residences in all zoning districts.
2. Promote traffic safety for both vehicular and pedestrian traffic.
3. Ensure orderly access and egress to and from the public way.
4. Protect abutting residential properties from nuisances such as noise, fumes, headlight glare, dust and increased surface water runoff from the land covered by impervious surfaces.
5. Provide visual relief from broad expanses of pavements and vehicles.
6. Reduce congestion on public ways.

In Section 603, Gross Square Feet shall be depicted as GSF and Gross Floor Area shall be depicted as GFA.

### **603.2 - Applicability**

Off-street parking shall be provided in all zoning districts for new construction, conversion, expansion or increase in intensity of use of any structure. Existing buildings, structures and land uses are not subject to these off-street parking and loading requirements and may be rebuilt, altered or repaired, but not enlarged or subject to a change in use, per the table of off-street parking requirements, in such a manner so as to increase demand and useable floor area, without becoming subject to these parking requirements.

### **603.3 Table of Off-Street Parking Requirements**

#### ***PRINCIPAL USE***

#### ***MINIMUM REQUIRED***

#### ***PARKING SPACES***

#### **RESIDENTIAL USES:**

Single Family Dwelling Unit	2 spaces
Accessory Apartment	See Section 410.6
Guest House	2 spaces
Dwelling over First Floor of Commercial Structure	2 spaces per unit
Seasonal Dormitory Housing	2 spaces per bedroom
Bed & Breakfast	2 spaces plus 1 space per guest unit
Home Occupation	See Section 410.7
Family Child Care (up to 10 children)	2 spaces for dwelling plus one additional space

#### **INSTITUTIONAL AND COMMUNITY USES:**

Nursing, Convalescent or Rest Home	1 space every four beds plus 1 space for each employee on max. largest shift *
Assisted Living Facility	1 space for each 2 beds plus 1 space for each employee on max. largest shift. *

Adult Day Care Facility	1 space for each employee on largest shift & loading/unloading space to accommodate van or bus for every 25 persons of licensed capacity *
Places of Assembly, Churches, Theatres, Auditoriums, Outdoor Stadiums & Funeral Homes	1 parking space every 3 seats plus employee parking per largest shift
Schools (including Nursery, Elementary, Secondary, Instructional - Public & Private) and Commercial Day Care with over 10 Children	1 space per classroom; plus 1 visitor's space per classroom and one space per staff person.
Municipal, State and Federal Uses, including Town Buildings, Post Offices and Libraries	1 space per 200 GSF used by the public, plus 1 space per 500 GSF not used by the public

### **COMMERCIAL USES:**

Food Stores, Supermarkets and Pharmacies	1 space per 500 GSF plus one per employee max. largest shift
Quick Service Stores, Convenience Stores, Dry Cleaners, Liquor Stores, Video Stores	1 space per 250 GSF plus one per employee max largest shift
Banks and Financial Institutions	1 space per 200 GSF plus one per employee max. shift
Hairdressers, Barber Shops, Beauty Salons, Tanning Salons and Other Personal Service Establishments.	1.5 spaces per work station, plus one per employee max. shift
Eating Establishments including Restaurants and Taverns without Delivery or Take-Out Service	1 space per 4 seats (indoor and/or outdoor), plus one space per employee max. shift
Eating Establishments including Fast Food Restaurants with Delivery or Take-Out Service	1 space per 100 GSF, plus one space per employee max. shift & 1 space for delivery vehicle
Retail Store including Gift Shops, Galleries, Apparel and Accessories, Florist Shops	1 space per 250 SF of GSF

Commercial Recreation (Indoor and Outdoor) including Gyms, Athletic Clubs and Exercise Studios	1 space per 300 GSF plus one space per employee max. shift
Wireless Telecommunication Facility	See Section 610

**MEDICAL USES:**

Dentist Office	1 space per chair, plus 1 space for every two seats in waiting rooms, plus 1 space per employee max. shift
Medical Office Space including all Medical Practices, Licensed Professional Labs, Physical Therapy and Counseling	1 space for each medical practitioner/professional, plus 1 space for every 2 seats in waiting rooms, plus 1 space per employee max. shift
Animal Clinic/Hospital, Grooming and Kennel Services	2 spaces per 1,000 GSF plus 1 per employee

**OFFICE USES:**

Consumer Service Offices (Real Estate, Travel Agencies, Insurance)	1 space per 250 GSF of GFA
Professional Office (Law, Accounting, Consulting, On-Line Businesses)	1 space per 300 GSF of GFA

\* A future reserve area for parking shall be delineated on plans for construction if determined to be needed at a later date to accommodate changes in number of employees.

**Mixed Uses:**

Required parking spaces in the case of mixed uses shall be the sum of the requirements of the individual uses computed separately.

**Undetermined Uses:**

Required parking of the most intensive use allowed, per the table of off-street parking requirements, in the applicable zoning district shall apply, when the use of the building has not been determined at the time of application for any of the following approvals: building permit, special permit, or site plan review..

#### **603.4 Parking Spaces: Design and Layout Standards for NB1 and NB2**

All parking spaces in NB1 and NB2 shall be located on a bituminous concrete or cement concrete surface, unless otherwise approved by the Special Permitting Granting Authority (SPGA), and have the dimensions of nine (9) feet wide and eighteen and one-half (18.5) feet in length. Curbing or wheel stops shall be used where needed for safety. A maximum of two (2) feet of landscaped set back areas adjacent to the front and back of the stall for bumper overhang may be used to satisfy the stall length requirements. All parking spaces and travel and loading zones shall be so delineated by pavement marking and shall be included in coverage calculations regardless of materials approved.

Parking spaces shall be utilized for parking of registered motor vehicles unless otherwise specified for use in a special permit or site plan review.

All driveways and maneuvering aisles in Neighborhood Business Districts shall be bituminous concrete or cement concrete, unless otherwise approved by the SPGA, and shall be designed so that traffic flows freely at all times and can exit and enter into a public way being driven in a forward direction. All travel aisles must be a minimum of twenty-four (24) feet wide, unless providing only one-way direction, where a minimum of fifteen (15) feet wide and identified with directional signage and pavement markings is permissible.

#### **603.5 Handicapped Parking**

All parking areas shall provide specifically designed handicap parking spaces in the accordance the Massachusetts Architectural Access Board's rules and regulations.

#### **603.6 Parking Areas: Design, Layout and Stormwater Requirements**

Parking areas shall be connected to their principal uses by sidewalks and/or pedestrian crosswalks to enhance pedestrian movement and safety. Where practical, sidewalk ramps and pedestrian crosswalks shall be located separately from any short-term delivery stop areas.

- 1. Curb Cuts:** The number of curb cuts on a state or local roadway shall be minimized to two (2) driveway cuts per street line in order to promote the orderly flow of traffic, unless the project site consists of more than one lot. Depending on one-way or two-way traffic on travel aisles, curb cuts shall at minimum be a thirty (30) feet radius with granite curbing. Width of a one-way direction aisle shall at minimum be fifteen (15) feet in width and for a two-way direction aisle shall be at a minimum of twenty-four (24) feet in width.
- 2. Sight Distance:** All entrance ways and driveways serving a business must comply with the corner clearance requirements of this section. Clear sight distance at the intersection of a driveway serving a business and an existing way shall be defined by a clear sight triangle at the intersection and shall be delineated on parking plans. Two sides of the triangle shall coincide with the centerline of the access driveway and the existing way respectfully. The third side of the triangle, measured from the centerline of the access road to a point thirty (30) feet from the centerline of the existing way, shall be identified as the clear sight distance at a level of three and a half (3.5) feet above the road surface. Depending on the posted speed limit along the existing way, the minimum sight distance shall be as follows:

Maximum Design Approach Speed	Clear Sight Distance
25 Miles Per Hour (MPH)	150 feet
35 MPH	250 feet
45 MPH	350 feet

**3. Stormwater Requirements:** All parking areas shall provide a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain into any public or private way or onto any lot in other ownership.

For all parking areas of ten (10) or more parking spaces, drainage systems serving the parking and travel aisles shall be designed with Best Management Practices in accordance with industry standards, based on a twenty-five (25) year storm event. Drainage design shall also give consideration to location of snow storage and meltwater.

(a) Proposed parking layouts and potential reserved parking areas, requiring drainage design shall include the following information on said plan:

1. All locations, construction details including types, size, length, slope, pollution control devices and elevations of all drainage structures (culverts, inlets, manholes, for example) and piping.
2. Drainage calculations for a twenty-five (25) year storm event prepared by a Massachusetts registered professional engineer.
3. Any proposed leaching designs shall include percolation test logs.
4. All subsurface drainage piping located within loading areas and travel aisles shall be designed for H-20 loading capacity.
5. Proposed location of snow storage areas.

### **603.7 Reserve Parking**

In certain situations, the SPGA may require applicants to delineate a future reserve parking area(s). Such reserve areas shall be shown on the approved plan but labeled as "reserve parking" properly designed and to be constructed at a later date in accordance with zoning bylaw. If the SPGA permits the reserve area, the SPGA shall, as a condition of approval, require that the resulting site plan be reviewed by the SPGA and Planning Board on a periodic basis in order to monitor the adequacy of the constructed parking and the need to construct all or a portion of the reserve area parking. If deemed appropriate by the SPGA, the reserve parking shall be constructed as directed.

### **603.8 Joint Use of Required Parking**

In certain situations, the SPGA, in conjunction with a site plan review from the Planning Board, may consider joint use of required parking of two (2) adjoining property owners in a Neighborhood Business District. An agreement suitable for recording at the Registry of Deeds shall be made in writing by the owners of said uses involved stating duration of time for such agreement and recorded on both premises. Proof of recording of such an agreement shall be provided to the Building Inspector prior to issuance of a final certificate of occupancy. Sale or

lease of said property, participating in a joint use, shall require approval of the appropriate permitting authority for continuance of the joint use.

### **603.9 Off-Site Parking**

In certain situations, the SPGA may consider off-site parking for employees or company/fleet vehicle parking only through a lease or property under the control of the primary owner of said commercial lot.

### **603.10 Loading Zones**

Areas for loading and unloading shall be provided in all parking lots, unless as otherwise determined or conditioned by the SPGA. A loading space shall have, at a minimum, dimensions of ten (10) feet in width and twenty-five (25) feet in length and cannot be used for customer or employee parking. All loading spaces shall be located at the side and rear of the building. Designated fire lanes shall not be used for a dual purpose of loading or unloading zones.

Off-street loading space(s) shall be provided according to the following schedule:

<u>Building GSF</u>	<u># of Loading Spaces</u>
0 - 5,999 GSF	none
6,000 – 10,999 GSF	1 loading space
11,000 + GSF	2 loading spaces

### **603.11 Vehicle Stacking Requirements**

Businesses utilizing drive-through facilities shall abide by the following minimum vehicle stacking space requirements:

Banks teller lane & automated teller machine	2 spaces per service window
Drive up kiosk	2 spaces
Car washes	4 spaces per bay
Gasoline pump stations	2 spaces per pump island
Pharmacy pick-up	2 spaces
Food establishment with drive through (*)	12 spaces
All other drive through service windows or kiosks (*)	8 spaces

\* Additional vehicle stacking spaces may be required by the SPGA where trip generation rates suggest that additional spaces may be needed.

Vehicle stacking spaces shall have at a minimum dimension of eight (8) feet in width by twenty (20) feet in length. Vehicle stacking spaces shall not impede any on-site or off-site circulation of traffic movements. Stacking lanes shall be separate from other internal on-site travel aisles.

Any outdoor service facility (including menu boards with speakers, order box, etc.) shall be a minimum of fifty (50) feet from any Residential Compatibility zone.

### **603.12 Lighting Requirements for Parking Areas**

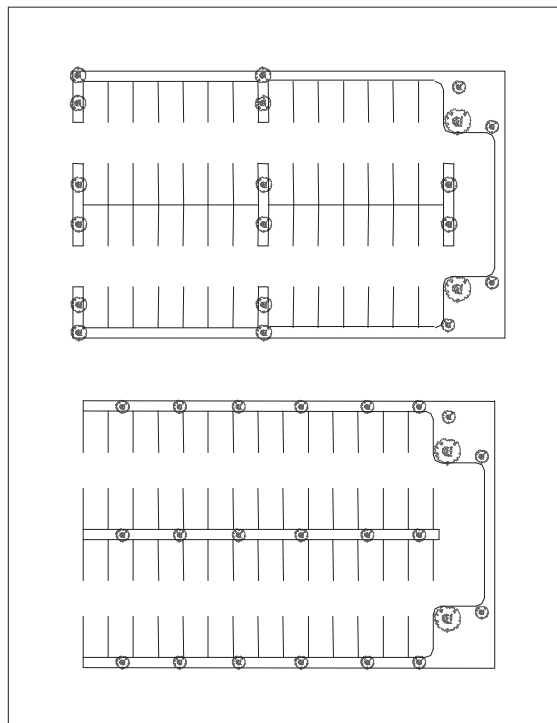
Where lighting is determined by said SPGA or review per site plan approval, it shall be designed and located so as to provide sufficient illumination.

Applicants shall provide a standard detail of any lighting or light poles with an average of three-to-five (3-5) foot candle lighting level and a maximum height not to exceed fifteen (15) feet of

any light pole or stanchion. Applicants are urged to consider timed lighting where appropriate, unless public safety or security purposes override such conservation efforts. The SPGA may require a lighting plan that would limit the hours of lighting, subject to the related requirements set forth in Sections 615.4.14 and 615.5.5.

### **603.13 Landscape Requirements for Parking Areas**

In parking areas of twenty-five (25) or more parking spaces, the parking lot shall be designed with raised curbed landscaped islands. Raised curbed landscaped islands shall have a minimum width of five (5) feet and shall be planted with low (two [2] feet or less) bushes and/or plantings. Raised curbed landscaped islands shall be located at the end of parking aisles and at points of curvature in travel aisles.



Any parking areas that abut a Residential Compatibility District shall be required to provide a ten (10) foot landscaped buffer strip that provides screening to the adjacent parking area. Screening may include trees, hedges, bushes, an earthen landscaped berm or tight fences.

Landscaped islands and buffers shall not be utilized for storage of snow. A designated snow storage area(s) shall be so noted on all approved plans. All areas that are landscaped must be properly maintained and property owners shall replace within one (1) growing season any landscaping that has died.

### **603.14 Maintenance of Parking Spaces and Parking Lots**

Property owners shall be responsible for the routine and long-term upkeep of all parking spaces, lots and areas. Parking facilities including but not limited to pavement surfaces, curbing, pavement markings, signage and landscaped islands shall all be maintained in an aesthetically pleasing and safe manner. The Zoning Enforcement Officer shall address all complaints relative



to the lack of maintenance or hazardous situations with the general upkeep of parking areas with property owners.

or take any action in relation thereto.

(Planning Board)

***Finance Committee Recommendation: Available at Town Meeting***

#### **Article 41**

To see if the Town will vote to accept the layouts of Hillside Lane and Amado Way as Public Ways in the Town of Duxbury, in accordance with the descriptions and plans now on file in the Town Clerk's office, which are incorporated herein by reference and to authorize the acquisition by eminent domain of property within said ways,

or take any action in relation thereto.

(Planning Board and Department of Public Works)

***Finance Committee Recommendation: Approval***

#### **Article 42**

To see if the Town will vote to adopt an amended Zoning Map entitled,

*"Town of Duxbury, Massachusetts Zoning Map" dated March 2009 as created by Greatwall GIS Services consisting of seven (7) sheets in total.*

that is on file at the Town Clerk's office and then subsequently amend the Protective Bylaw by striking the words "Town of Duxbury, Massachusetts Zoning Map dated March 2007" and substitute in its place the words "Town of Duxbury, Massachusetts Zoning Map dated March 2009" in the following Sections: Section 202.1 (Zoning Map), Section 410, Section 420 and Section 430,

or take any other relative action thereto.

(Planning Board)

***Finance Committee Recommendation: Approval***

#### **Article 43**

To see if the Town will vote to amend the Duxbury Protective Bylaw Article 400 Section 403.4 by adding the following language:

##### ***4. Wireless Telecommunication Services Facility in accordance with Section 610***

And to further amend Article 400 Section 404.5 by adding the following language

##### ***5. Wireless Telecommunication Services Facility in accordance with Section 610***

And to further amend Article 400 Section 410.3 by adding the following language;

##### ***11. Wireless Telecommunication Services Facility in accordance with Section 610***

And to further amend Article 400 Section 421.4 by adding the following language;

**6. Wireless Telecommunication Services Facility in accordance with Section 610**

And to further amend Article 400 Section 422.3 by adding the following language;

**7. Wireless Telecommunication Services Facility in accordance with Section 610**

And further to amend Article 600 Section 610.4 (5) (d) as follows: Additions to the original text are shown in **bold italicized print**:

In the Dunes Protection District **and Wetlands Protection Overlay District** or in wetlands, wetland buffer areas or other environmentally sensitive natural areas that are subject to the jurisdiction of the Conservation Commission under the Massachusetts Wetlands Protection Act, the Duxbury Wetlands Bylaw or this bylaw without approval of the Conservation Commission. All proposals shall be subject to review by the Conservation Commission as authorized by state and local regulations.

And to further amend Article 600 Section 610.5 (3) as follows: Additions to the original text are shown in **bold italicized print**. Deletions from the original text are shown in ~~strike through~~ format:

The minimum distance from the center of the tower base of any wireless telecommunications service tower to a dwelling unit located on adjacent or nearby property shall be ~~800~~ **400** feet.

or take any action in relation thereto.

(Board of Appeals)

**Finance Committee Recommendation: Available at Town Meeting**

**Article 44**

To see if the Town will vote to authorize the Town Manager to designate a permitting authority to implement the provisions of the Excavation and Trench Safety regulations, as promulgated by the Commonwealth of Massachusetts Department of Public Safety, in accordance with M.G.L. Chapter 82A,

or take any other action in relation thereto.

(Department of Inspectional Services)

**Finance Committee Recommendation: Approval**

**Article 45**

To see if the Town will vote to authorize the Selectmen to grant VERIZON NEW ENGLAND, INC., its successors and assigns, or any licensee from it (hereinafter called the Grantee) the perpetual right and easement to access, operate, maintain, connect, extend, replace

and remove poles, which may be maintained at different times with the necessary conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto for the transmission and/or distribution of telecommunications upon, over and across that certain parcel of Town owned land namely:

Being shown as Lot A on Church Street on a plan entitled: “Plan of Land in Duxbury, Mass, dated May 24, 1978 Whitman & Howard Inc. Engineers and Architects” which plan is on file with the Office of the Town Clerk,

To provide permanent rights for VERIZON NEW ENGLAND, INC.,

or take any action in relation thereto.

(DPW/Water Department)

***Finance Committee Recommendation: Approval***

### **Article 46**

To see if the town will vote to amend the Protective Bylaw by adding a new Section 616 entitled “Wind Facilities Development Regulations”:

## **616 WIND FACILITIES REGULATIONS**

### **616.1 Purpose and Applicability**

The purpose of this section is to provide by special permit for the construction and operation of wind facilities, including wind facilities to generate power for use at Town-owned and used facilities, as well as the development of wind facilities by private owners, and to provide standards for the placement, design, construction, monitoring, modification and removal of such wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the Town of Duxbury and to provide adequate financial assurance for operating and decommissioning such wind facilities.

This section applies to all utility-scale and on-site, non-residential wind facilities proposed to be constructed after the effective date of this section. It shall apply to any size turbines, regardless of rated nameplate capacity. Any physical modifications to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit processed in accordance with this section.

Utility-scale and on-site, non-residential wind facilities shall not be constructed in the following zoning districts:

- 1) Flood Hazard Overlay District
- 2) Dunes Protection District
- 3) Wetlands Protection Overlay District

### **616.2 Definitions**

**Height:** When referring to a wind turbine, the height of a wind turbine will be measured from natural grade to the tip of the rotor blade at its highest point.

**Nacelle:** The housing around the electrical generator and other systems such as gearboxes and blade controls on a wind turbine. The rotor blades are typically connected to the nacelle.

**On-Site Wind Facility:** A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the project on-site.

**Rated Nameplate Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

**Setback:** The distance from the base of the tower, measured from the centerline of the tower, to the nearest lot line.

**Special Permit Granting Authority:** The Special Permit Granting Authority shall be the Zoning Board of Appeals.

**Substantial Evidence:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.

**Utility -Scale Wind Facility:** A commercial wind facility, where the primary use of the facility is to generate electrical power to be sold to the wholesale electricity markets.

**Wind Facility:** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

**Wind Monitoring or Meteorological Tower:** A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

**Wind Turbine:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body at the top of the tower, and a rotor with two or more blades.

## **616.3 Permitting**

**1) Special Permit Granting Authority** No wind facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the Board of Appeals (a "Special Permit"). The construction of a wind facility shall be permitted provided that the use complies with all requirements set forth in sections 616.3, 616.4, 616.5 and 616.6. All such wind energy facilities shall be constructed and operated in a manner that minimizes any unreasonably adverse visual, safety, and environmental impacts. A Special Permit shall not be granted unless the Board of Appeals finds, which finding is confirmed in minutes or another writing, that:

- (a) the specific site is an appropriate location for such use;
- (b) the use is not expected to unreasonably adversely affect the neighborhood;

(c) there is not expected to be any hazard to pedestrians or vehicles from the use;

(d) adequate and appropriate facilities will be provided for the proper operation of the wind facility; and

(e) the requirements of section 616.4, 616.5 and 616.6 are complied with in all respects

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate both anticipated and unforeseen adverse impacts of the wind facility, should they occur.

Temporary erection of wind monitoring or meteorological towers shall also be required to be permitted as a temporary structure (with a requested waiver of all necessary height restrictions) in all zoning districts subject to issuance of a building permit for a temporary structure that are subject to the issuance of a building permit for a temporary structure for not more than eighteen months.

**2) Compliance with Laws, Ordinances and Regulations** The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

**3) Proof of Liability Insurance.** The applicant and all appropriate contractors shall provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility or reasonably foreseeable events thereat. The amount of liability insurance shall be determined by the Board of Appeals.

**4) Site Control.** At the time of its application for a Special Permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

**5) Contact Data.** The applicant or facility owner shall maintain a phone number, email address, and physical address (all to be posted at the facility) and identify a responsible individual person for the public to contact with inquiries and complaints throughout the life of the project. Such persons shall be accessible at all times during normal business hours and for emergencies on a 24 hour a day, every day basis. The Special Permit shall specify the requirements for a contact person(s).

#### **616.4 Certain Specific Requirements**

**1) Height -** Wind facilities shall be no higher than 250 feet above the current grade of the land.

**2) Setbacks -** Wind turbines shall be set back a distance equal to 1.1 times the overall height of the wind turbine from the nearest existing residential or commercial structure and from the nearest property line and private or public way. The setback zone can fall within the limits of the Wetlands Protection Overlay and the Flood Hazard Overlay Districts.

The Board of Appeals may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a Special Permit under the provisions of this section.

**3) Color and Finish** - The Board of Appeals shall have discretion over the color of the wind facility, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

**4) Lighting and Signage** - No lighting shall be permitted on wind turbines. The height of wind turbines shall be restricted such that no lighting is required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Unless good cause is shown for an exemption, signs on the wind facility shall comply with the requirements of Duxbury's sign regulations, and shall be limited to:

(a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger, whether inherent or perceived.

(b) Educational signs providing information about the facility and the benefits of renewable energy.

Wind facilities shall not be used for displaying any advertising, nor shall any advertising or signage be placed on the tower or nacelle of the turbine.

**5) Utility Connections** - Utility connections from the wind facility to the utilities power grid shall be located underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**6) Appurtenant Structures** - All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures shall be shielded from view by vegetation or fencing and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

**7) Support Towers** - Monopole towers are the preferred type of support for the wind turbine, and shall be used unless good cause is shown that a substantial economic hardship or safety consideration merits an alternative.

## **616.5 Emergency Services**

The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Board of Appeals. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

## **616.6 Specific Environmental Considerations**

- 1) Shadow/Flicker** - Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts caused by motion of the rotor blades as they pass in front of the sun. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation. It is acknowledged that a degree of shadow/flicker effect is necessary for any wind turbine, and that the existence of "shadow flicker" alone shall not be cause for the refusal to permit a wind facility.
- 2) Noise** - The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Board of Appeals agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:
  - (a) Increases the broadband sound level by more than 10 dB(A) above ambient, or
  - (b) Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

- 3) Land Clearing, Soil Erosion and Habitat Impacts** - Clearing of natural vegetation shall be limited to that which is reasonably necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances. Wind facilities shall be designed to minimize land clearing and fragmentation of open space areas. Clearing of permanently protected open space will not be permitted.

## **616.7 Facility Conditions**

The applicant shall maintain the wind facility in good condition and as a condition for the permit, shall submit with the application a plan for maintaining the wind facility in accordance herewith. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction. Such maintenance expenses shall be accommodated in an operating budget to be submitted to the Board of Appeals prior to the issuance of a Special Permit. All material modifications to a wind facility made after issuance of the special permit shall require approval by the special permit granting authority as provided in this section

## **616.8 Removal**

- 1) Removal Requirements** - Any wind facility which has reached the end of its useful life or has been abandoned shall be removed by the facility owner. When the wind facility is



scheduled to be decommissioned, the applicant shall notify the Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed, or to other less stringent restorative conditions approved by the Board of Appeals. The Board of Appeals shall condition any permit provided under this section on the provision by the developer of a suitable bond to fund the costs of decommissioning in compliance with this section. More specifically, decommissioning shall include provision for:

(a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The special permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**2) Abandonment** - Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Board of Appeals. The Board of Appeals shall determine in its sole discretion what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the facility and be indemnified for the costs and all other liabilities associated with the removal, such indemnity to be funded first from the surety provided in section 616.8.3 below.

**3) Financial Surety** - The Board of Appeals shall require the applicant for utility scale wind facilities to provide a form of surety, through a cash escrow account, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the Board of Appeals, but in no event to exceed more than 125 percent of the current cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant, but subject to increase if reasonably determined by the Board of Appeals to be an inadequate surety and annually increased by a factor equal to the Consumer Price Index. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for annual cost adjustments.

## **616.9 Duration**

A special permit issued for a wind facility shall be valid for the projected useful life of the facilities as determined by the Board of Appeals based on submissions of the applicant, but in any case not more than 30 years, unless extended or renewed. The time period may be extended or the permit renewed by the Board of Appeals upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to the expiration date of the Special Permit. Submitting a renewal request shall allow for continued operation of the facility until the Board of Appeals acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section.



## **616.10      Application Procedures**

**1)      General** - The application for a wind facility shall be filed in accordance with section 906 and the rules and regulations of the Board of Appeals concerning special permits as the same maybe revised from time to time, including such revisions and requirements as may be imposed that are consistent with this section and including the items set forth below. Each application for a Special Permit shall be filed by the applicant with the Duxbury Town Clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

**2)      Required Documents** - The applicant shall provide the Special Permit Granting Authority with seven copies of the application and all required exhibits. All plans and maps shall be prepared, stamped and signed by a professional engineer or surveyor licensed to practice in Massachusetts. Included in the application shall be:

- (a) Name, address, phone number and signature of the applicant, as well as all co - applicants or property owners, if any;
- (b) The name, contact information and signature of any agents representing the applicant;
- (c) A textual description of the project, including the names of all contractors and control persons and a consent to the publications of such description in the local newspaper;
- (d) Documentation of the legal right to use the wind facility site; and
- (e) Detailed architectural and structural plans of the proposed wind facility including foundation plans and structural calculations.

**3)      Siting and Design** – Unless otherwise waived by the Board of Appeals, the applicant shall provide the Board of Appeals with a description of the property which shall include:

- (a) Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel and surrounding parcels shall be included.
- (b) A one inch equals 40 feet site plan of the proposed wind facility site, with contour intervals of no more than two (2) feet, showing the following:
  - (i) Property lines for the subject parcel and adjacent parcels within 500 feet;
  - (ii) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on subject parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown;
  - (iii) Location of all roads, public and private on the site parcel and adjacent parcels within 500 feet, and proposed roads or driveways, either temporary or permanent, including any associated drainage facilities;
  - (iv) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 500 feet;

(v) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc; and

(vi) Location of viewpoints referenced below in 616.10.4 of this section.

**4) Visualizations** - The Board of Appeals shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre-and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

(a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views); and

(b) All view representations will include existing, or proposed, buildings or tree coverage.

**5) Landscape Plan** - A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. Lighting shall be designed to minimize glare onto abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

**6) Development, Operation & Maintenance Plan** - The applicant shall submit a plan for the development of the facility (including the specifications for the facility and the development timeline and process from ground breaking to commissioning), as well as a plan for maintenance of access roads and storm water controls, and general procedures for operational maintenance of the wind facility.

**7) Compliance Documents** - If required under previous sections, the applicant shall provide the following documentation with the application:

(a) a description of financial surety that satisfies section 616.8.3;

(b) proof of liability insurance that satisfies section 616.3.3;

(c) certification of height approval from the FAA, with proof that no lighting is required by the FAA.

(d) a statement that satisfies section 616.6.2, listing existing and maximum projected noise levels from the wind facility,

(e) a detailed budget for the development and installation of the project, as well as the operation and maintenance of the project for the duration of the Special Permit, as well as a financing plan identifying the sources and uses of capital committed to the project in such detail as the Board of Appeals may require, together with such other feasibility analyses as may be deemed reasonably prudent by the Special Permit Granting Authority Board of Appeals.

**8) Independent Consultants** - Upon submission of an application for a Special Permit, the Board of Appeals will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws. The applicant shall be required to pay all reasonable costs associated with the consultant reviews required by the Board of Appeals. Such costs shall be pre-paid by the applicant per the rules and regulations of the Board of Appeals.

#### **616.11 RIGHT OF APPEAL**

Any person aggrieved by the decision of the Board of Appeals may take an appeal to the courts in accordance with the provisions of section 907.

or take any action in relation thereto.

(Alternative Energy Committee)

***Finance Committee Recommendation: Available at Town Meeting***

#### **Article 47**

To see if the Town will vote to rezone parcel 110-452-001 from Residential Compatibility (RC) to Neighborhood Business 1 (NB1),

or take any action in relation thereto.

(Owner's Petition)

***Finance Committee Recommendation: Disapproval***

#### **Article 48**

To see if the Town will vote to rezone a portion of parcel 110-452-004 from Residential Compatibility (RC) to Neighborhood Business 1 (NB1), and further vote to rezone a portion of parcel 110-452-003 from Residential Compatibility (RC) to Neighborhood Business 1 (NB1), all as shown on a plan filed with the Town Clerk,

or take any action in relation thereto.

(Owner's Petition)

***Finance Committee Recommendation: Approval***

#### **Article 49**

To see if the Town will vote to amend the General Bylaws by adding the following new Section 7.5, entitled "Public Use of Marijuana or Tetrahydrocannabinol", and by renumbering the existing sections 7.5 through 7.18 accordingly:

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G. L. Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by noncriminal disposition pursuant to M.G.L. Chapter 40, Section 21D by any police officer. The fine for violation of this bylaw shall be three-hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L. Chapter 94C, Section 32L.

or take any other action in relation thereto.

(Police Chief)

***Finance Committee Recommendation: Approval***

### **Article 50**

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

or take any action relative thereto.

(Board of Selectmen)

***Finance Committee Recommendation: Available at Town Meeting***

***Fiscal Advisory Committee Recommendation: Available at Town Meeting***

### **Article 51**

To see if the Town will vote to authorize the use of Free Cash to reduce the tax rate,

or take any action in relation thereto.

(Board of Selectmen)

***Finance Committee Recommendation: Available at Town Meeting***

**Annual Town Election**  
**Saturday, March 28, 2009**  
Polls are open 8:00 am – 8:00 p.m.

ALL PRECINCTS at the T. WALDO HERRICK MEMORIAL GYMNASIUM,  
DUXBURY MIDDLE SCHOOL, ST. GEORGE STREET, DUXBURY, MA.

**Article 1**

**TO BRING IN THEIR VOTE FOR:**

**ONE SELECTMAN for a term of three years;**

**ONE ASSESSOR for a term of three years;**

**ONE MODERATOR for a term of one year;**

**ONE SCHOOL COMMITTEE MEMBER for a term of three years;**

**TWO PLANNING BOARD MEMBERS for a term of five years;**

**TWO LIBRARY TRUSTEES for a term of three years;**

**AND FOR THE FOLLOWING SIX QUESTIONS:**

QUESTION 1  
DEBT EXCLUSION  
PERCY WALKER POOL RENOVATION

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the construction, furnishings, and associated services for the renovation and improvement of the Percy Walker Pool?

QUESTION 2  
DEBT EXCLUSION  
COMBINED POLICE & FIRE STATION

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the architectural, engineering, and design services to prepare contract bid documents and to construct and furnish a new combined police and fire station complex on Parcel No. 140-501-019, located on Tremont Street?

*(SEE NEXT PAGE FOR ADDITIONAL QUESTIONS)*

QUESTION 3  
DEBT EXCLUSION  
NEW POLICE STATION

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the architectural, engineering, and design services to prepare contract bid documents and to construct and furnish a new police station on Parcel No. 150-500-039, located on Mayflower Street?

QUESTION 4  
DEBT EXCLUSION  
REHABILITATE FIRE HEADQUARTERS

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the architectural, engineering, and design services to prepare contract bid documents and to construct and furnish the rehabilitation of the Fire Department Headquarters Building on Tremont Street?

QUESTION 5  
DEBT EXCLUSION  
PLANNING STUDY FOR MIDDLE & HIGH SCHOOLS

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund a planning study including architectural, engineering, and design services for the purpose of determining the replacement, renovation, or modernization needs and budgetary costs of the structure and systems of the Duxbury Middle School and Duxbury High School, including but not limited to boilers, mechanical, electrical, HVAC, flooring, walls, windows, roof, plumbing and temperature control systems?

QUESTION 6  
DEBT EXCLUSION  
ROOF FOR CHANDLER SCHOOL


Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the architectural, engineering, design services, bid documents, and construction work for the purpose of replacing the roof of the original portions of Chandler School?

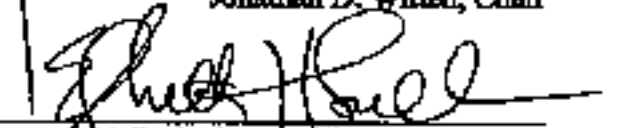
**AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT** by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3 of the Town of Duxbury General Bylaws, seven (7) days before the time of holding said meeting.

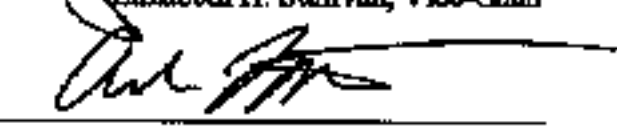
Hereof fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time and place of this meeting.

Given under our hands this 9<sup>th</sup> day of February, 2009.

**BOARD OF SELECTMEN**

  
Jonathan D. Witten, Chair

  
Elizabeth H. Sullivan, Vice-Chair

  
Andre P. Marteschini, Clerk

Plymouth ss:  
\_\_\_\_\_, 2009

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

**A TRUE COPY  
ATTESTED**

**CONSTABLE OF DUXBURY**

## **TERMS USED IN MUNICIPAL FINANCE**

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

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

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

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

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

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

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

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



**DUXBURY TALENT BANK FORM**

DATE: \_\_\_\_\_

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 keep in mind that Talent Banks are kept on file for only two years.

NAME \_\_\_\_\_ PHONE \_\_\_\_\_ E-MAIL \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ P.O. BOX \_\_\_\_\_

OCCUPATION \_\_\_\_\_

**BACKGROUND** \_\_\_\_\_

**No. of Years in Duxbury:** \_\_\_\_\_

Please feel free to attach additional sheet 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 & Recreation Committee
- ☐ Sidewalk & Bike Path Committee
- ☐ Zoning Board of Appeals

**Cable**

- ☐ Cable TV Advisory Committee

**Recreational Activities**

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

- ☐ Percy Walker Pool Long-Range Study Committee\*

**Government**

- ☐ Board of Health
- ☐ Cemetery Trustees\*
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Economic Advisory Committee
- ☐ Highway Safety Committee
- ☐ Historical Commission
- ☐ Local Housing Partnership
- ☐ Municipal Comm. On Disability
- ☐ Nuclear Advisory Committee
- ☐ Personnel Board\*
- ☐ Shellfish Advisory Committee
- ☐ Water & Sewer Advisory Board\*
- ☐ Trustee of Affordable Housing Trust

**Finance**

- ☐ Finance Committee\*
- ☐ Fiscal Advisory Committee\*

**PLEASE INDICATE ANY OTHER AREAS OF INTEREST:** \_\_\_\_\_

\*Appointed by Moderator

Revised: March, 2008