



Town of Duxbury Massachusetts Planning Board

Minutes 01/26/09

The Planning Board met in the Duxbury Town Hall, Lower Level, Small Conference Room on Monday, January 26, 2009 at 7:00 PM.

Present: Amy MacNab, Chairman; Brendan Halligan, Clerk; George Wadsworth, Vice-Chair; and John Bear.

Absent: Cynthia Ladd Fiorini, James Kimball and Harold Moody.

Staff: Diane Grant, Administrative Assistant.

Ms. MacNab called the meeting to order at 7:05 PM.

OPEN FORUM

Planning Director Search: Ms. MacNab reported that fourteen resumes had been submitted for the position, and the Search Committee will meet for the first time on January 30, 2009. Ms. MacNab and Mr. Halligan will attend as Planning Board representatives.

High Street Land Clearing: Ms. MacNab reported that she received a phone call over the past weekend regarding possible illegal tree cutting. It appears that over 30,000 square feet have been cleared, which would trigger the requirement for a special permit through the Planning Board. It also appears that tree clearing had been done on Town conservation land. The Town Conservation Agent and Zoning Enforcement officer are looking into the matter.

OTHER BUSINESS

Because it was not yet time for the posted public hearings, the Board addressed other business.

Meeting Minutes:

MOTION: Mr. Halligan made a motion, and Mr. Bear provided a second, to accept meeting minutes of December 1, 2008 as amended.

VOTE: The motion carried 4-0.

Millbrook Crossing 40B Site Eligibility: Mr. Bear reported on a site walk he attended. He stated that the site walk was well attended by members of the Massachusetts Housing Partnership. At the site walk, it was confirmed that current technology might allow the applicants to install a septic system without mounding. Ms. MacNab noted that it might eliminate the need for the applicants to use the comprehensive permit as a vehicle for developing the land. Mr. Bear noted that the 40B process could benefit the applicants financially.

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PROPOSED ZONING BYLAWS SECTION 616, "WIND FACILITIES DEVELOPMENT REGULATIONS"

Ms. MacNab opened the continued public hearing at 7:15 PM. Mr. Halligan read the correspondence list into the record:

- Email between F. Duggan and D. Grant dated 01/07 and 01/08/09 re: Follow up to 01/05/09 public hearing.

Mr. Frank Duggan and Mr. John Murdock were present to represent the petitioners, the Alternative Energy Committee. Mr. Duggan reported that recent changes in regulations now allow "net metering," which would allow renewable energy produced to be located remotely to the area served rather than adjacent to the source. He stated that just three weeks ago it would have been cost-prohibitive to produce energy at a remote location. Due to changes in regulations, now grids can be interconnected from the power source. Ms. MacNab noted that this is a major change that could concern residents about what could happen in their neighbor's back yard.

Ms. MacNab posed the question if power can be generated on site and used elsewhere. She noted that the only reference to "on-site wind facility" was in definitions, noting that it is difficult to regulate a definition. It was agreed that the first paragraph of the Wind Facilities bylaw could be amended to specify that the purpose and applicability of this bylaw is for on-site facilities, as opposed to utility-scale wind facilities that are commercial in nature.

Mr. Murdock noted that the proposed height restriction is 250 feet. Mr. Bear noted that this is higher than cell towers' maximum height, and Ms. MacNab noted that it is allowable under the federal Green Communities Act.

Mr. Dennis Murphy, chairman of the Zoning Board of Appeals (ZBA) expressed concerns regarding the proposed bylaw:

- The proponents should consider excluding wind facilities within three sensitive zones: Residential Compatibility (RC), Dunes Protection, and Wetlands Protection Overlay District.
- The standards for permitting appear to be too loose. The ZBA would prefer setback standards based on Massachusetts law. A hard-and-fast height limit would be helpful to avoid putting the ZBA in the position of making a discretionary call.
- Concern with the 1:1 setback ratio to the edge of the property leaves the ZBA with little discretion. With cell towers the setback ratio is 4:1 although the ZBA would have preferred an 8:1 ratio. The ZBA recommends a 4:1 ratio for wind turbines as well.
- If wind facilities continue to be proposed for RC districts, the proponents should consider lowering the height restrictions or allowing less than utility-scale facilities. Another possibility would be to create an overlay district for wind facilities.

Mr. Wadsworth noted that these changes would be substantial. Ms. MacNab noted that the changes could be outlined and explained in a handout at Annual Town Meeting. Mr. Halligan advised the proponents to make sure the Town Moderator has an advance copy of the proposed changes.

Mr. Duggan asked about the rationale for the ZBA's proposed setbacks for cell towers. Ms. Sara Wilson of 120 Bay Road, a former ZBA member, explained that nine parcels of land had been selected for a Wireless Overlay District and presented at Annual Town Meeting in the past. This

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overlay district did not pass, although the wireless facilities bylaw was accepted. Mr. Bear noted that the 4:1 ratio is for distance to the nearest structure, not to the lot line. Mr. Wadsworth explained that the goal was to keep the cell tower as far away from residential structures as possible.

Mr. Duggan stated that the possibility of a wind facility being constructed in a residential area is remote because there is not enough wind power in residential zones in the Town of Duxbury. Mr. Wadsworth noted that the Town is 95 percent zoned residential. He stated that it may be difficult to find a commercial property in the Town with 250 feet of setback from property lines. Mr. Murdock noted that some agricultural parcels may have enough setback available, and Mr. Wadsworth pointed out that agricultural parcels are generally zoned residential.

Mr. Jamie MacNab of 269 Old Tobey Garden Street noted that there is a federal push for communities to seek alternative energy sources. However, he urged the proponents to reconsider the height restriction and to consider applying the bylaw to municipal parcels.

Ms. MacNab asked the proponents if they were agreeable to the changes regarding the setback ratio or restricting wind facilities to outside the RC zones. Mr. Murdock responded that they would be willing to reconsider the setback ratio but would not be able to remove the RC district from wind facilities. Mr. Wadsworth commented that he would prefer to see the proposed amendments before making a recommendation for Annual Town Meeting.

MOTION: Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to close the public hearing regarding a proposed revision to Duxbury Protective Bylaw to add a new section entitled, "Wind Facilities."

VOTE: The motion carried unanimously, 4-0.

AMENDMENT TO ZONING BYLAWS SECTION 400 RELATIVE TO "WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES"

Ms. MacNab opened the continued public hearing at 8:00 PM. Mr. Halligan noted that there was no new correspondence. Mr. Dennis Murphy, Chairman of the Zoning Board of Appeals, was present to represent the ZBA as sponsor. He stated that during a recent cell tower special permitting process, issues arose regarding whether all uses are permitted unless prohibited in absence of a wireless communications overlay district. The ZBA is proposing to eliminate the potential for wireless facilities within the Wetlands Protection Overlay District and Dunes Protection District.

In addition, two consultants to the ZBA advised them that the Town's 800 foot setback limits are unrealistically high and most likely not supportable to the Federal Communications Commission (FCC). The standard setback ratio is 1:5, so that a 100-foot cell tower would require a 150-foot setback.

Ms. MacNab offered public comment but there was none.

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MOTION: Mr. Wadsworth made a motion, and Mr. Bear provided a second, to close the public hearing for a proposed amendment to Zoning Bylaws Section 400 relative to “Wireless Telecommunications Service Facilities.”

VOTE: The motion carried unanimously, 4-0.

Mr. Bear noted that while there are 400 foot limits in states with larger properties, a 400-foot setback would be difficult in the Town of Duxbury. Mr. Wadsworth agreed that the proposed revisions improve the bylaw and come from the special permit granting authority, the ZBA.

MOTION: Mr. Wadsworth made a motion, and Mr. Bear provided a second, that the Planning Board recommends Annual Town Meeting approval of a proposed amendment to Zoning Bylaws Section 400 relative to “Wireless Telecommunications Service Facilities.”

VOTE: The motion carried unanimously, 4-0.

PROPOSED REVISION TO TOWN ZONING MAPS TO REFLECT ACTION TAKEN AT ANNUAL TOWN MEETING 2007

Ms. MacNab opened the continued public hearing at 8:03 PM. Mr. Halligan noted that there was no new correspondence.

MOTION: Mr. Wadsworth made a motion, and Mr. Bear provided a second, to close the public hearing for a proposed revision to Town zoning maps to reflect action taken at Annual Town Meeting 2007.

VOTE: The motion carried unanimously, 4-0.

MOTION: Mr. Halligan made a motion, and Mr. Bear provided a second, that the Planning Board recommends Annual Town Meeting approval of a proposed revision to Town zoning maps to reflect action taken at Annual Town Meeting 2007.

VOTE: The motion carried unanimously, 4-0.

PROPOSED AMENDMENT TO REZONE PARCELS LOCATED AT 20 AND 30 TREMONT STREET (ISLAND CREEK) FROM RESIDENTIAL COMPATIBILITY TO NEIGHBORHOOD BUSINESS 1

Ms. MacNab opened the continued public hearing at 8:05 PM. Mr. Halligan read the correspondence list into the record:

- Document entitled, “Regulatory, Historic Zoning, Historic Permitting, Planning, and Economic Reasons Supporting Inclusion of a Limited Amount of Commercial Space at Island Creek Village North,” submitted by E. Marchant at Planning Board meeting of 01/12/09
- Letter from T. Tucker of Economic Advisory Committee to Planning Board dated 01/20/09 re: EAC vote to take no position on article

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Mr. Andy Koines was present to represent the petitioners, Keith Properties, Inc. on behalf of Island Creek Village. Mr. Koines confirmed that there were no updates since the last public hearing on January 12, 2009.

Mr. Dennis Murphy, Chairman of the Zoning Board of Appeals (ZBA), stated that the ZBA is concerned with the proposed rezoning. The owners have had a comprehensive permit application pending before the ZBA since September 2008. If the rezone passes, the applicants may modify their application which will require more time for ZBA review. He questioned why the applicants waited until now to request the rezone. Mr. Murphy noted that state regulations now allow ancillary commercial use if the underlying zoning is commercial. He stated that rezoning to Neighborhood Business would help to protect the applicants if the ZBA decision were to be appealed in the future.

Ms. Diane Bartlett, Chair of the Local Housing Partnership, noted that the property was previously zoned Neighborhood Business District. She noted that the comprehensive permit includes an assisted living component and it would be useful to have a village design so that residents could walk to a local pharmacy or coffee shop rather than driving to another town.

Mr. Bear noted that the Economic Advisory Committee reviewed the proposed rezoning. Although they are in favor of a commercial component for the development, they do not feel it is within their jurisdiction to decide the underlying zoning. Ms. MacNab noted that if the proposed rezone is passed at Annual Town Meeting, the Town has no input regarding the type of commercial uses will be put in because the applicants will be granted blanket allowances.

Ms. Jeanne Clark of 88 Surplus Street stated that she does not believe the Town should be doing zoning by petition. The property abuts expressway ramps and wetlands. Traffic is already an issue without the expansion that is undergoing comprehensive permit review.

Ms. Anna Wallace of Island Creek Village expressed her support for the proposed rezoning, noting that commercial uses could provide access to local services for residents.

Mr. William Campbell of 60 Humphrey's Lane also expressed his support, noting the financial benefit to the Town of commercial properties.

Ms. Lorrie Hall of 175 Abram's Hill noted that there would be no financial benefit to the Town with the proposed rezone. She stated that she was glad to hear that the uses would be ancillary because she was concerned with a large retail chain potentially moving in. She objects to large businesses bringing major traffic issues to the Town. With the proposed rezone, the Town would lose control over what type of business moves in.

Ms. Kay Foster of 134 Surplus Street noted that although it would be nice for small businesses to serve the local residents of Island Creek, she would hate to see the Town lose control over what goes in which could lead to a large retail chain moving onto the property.

Mr. Wadsworth noted that the commercial uses that currently exist on the property are mainly medical offices that do not exist primarily to serve the Island Creek residents, so he does not expect any different from future commercial uses.

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Ms. MacNab expressed several issues with the proposed rezone. She noted that if Annual Town Meeting approves the rezoning, it would lengthen the ZBA permitting process and it would weaken the Town's position if the permit were to be appealed. She stated that there is no study indicating the need for additional commercial uses in the Town. The intensity of the site is a key issue, with traffic already a problem without the proposed expansion. She stated that a rezone should only be considered when it is in the best interest of the Town for today and for generations to come. Additionally, no surveyed site plan was submitted showing metes and bounds of the proposed rezone.

Ms. Bartlett of the LHP stated that the proposed Island Creek expansion provides an opportunity for residents to downsize and stay in the Town. Any ancillary commercial businesses would be a bonus. She noted that the existing Island Creek development has been a good neighbor in the Town for the past thirty years.

Mr. Murphy noted that the plan is not accompanied by a document showing easement lines have been recorded. He stated that the issue is not with the development team, it is the potential loss of control over conditions.

Ms. MacNab asked if the proponents have a surveyed, stamped plan, and Mr. Koines replied that he would need to check into the matter. Mr. Wadsworth advised him that the plan would need to show metes and bounds. Mr. Thomas Corn of Island Creek Village confirmed the type of plan the Board was looking for.

MOTION: Mr. Wadsworth made a motion, and Mr. Bear provided a second, to close the public hearing regarding a proposed amendment to rezone parcels located at 20 and 30 Tremont Street (Island Creek) from Residential Compatibility to Neighborhood Business 1.

VOTE: The motion carried unanimously, 4-0.

MOTION: Mr. Bear made a motion, and Mr. Wadsworth provided a second, to recommend that Annual Town Meeting not approve a proposed amendment to rezone parcels located at 20 and 30 Tremont Street (Island Creek) from Residential Compatibility to Neighborhood Business 1.

DISCUSSION: Mr. Bear noted that the primary issue is the process of including businesses through a comprehensive permit. It is clear that the Town would lose protection if the rezoning passes.

Mr. Halligan noted that the recommendation to not approve the rezone does not provide any commentary on the commercial component. The Board is looking at the big picture to keep a process in place for the ZBA to keep reasonable conditions on the project. Mr. Wadsworth noted that if the commercial component were to be submitted outside of the 40B process, the applicant would be required to file for Administrative Site Plan Review with the Planning Board.

VOTE: The motion carried unanimously, 4-0.

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PROPOSED AMENDMENT TO REZONE A PARCEL LOCATED ADJACENT TO 2 TREMONT STREET (FIRST BAPTIST CHURCH) FROM RESIDENTIAL COMPATIBILITY TO NEIGHBORHOOD BUSINESS 1

Ms. MacNab opened the continued public hearing at 8:58 PM. Mr. Halligan read the correspondence list into the record:

- Letter from T. Tucker of Economic Advisory Committee to Planning Board dated 01/20/09 re: EAC vote to take no position on proposed article.

Mr. James Dowd, a member of the church, was present to represent the application on behalf of the pastor. Mr. Dowd noted that the parcel of land is 3.7 acres that fronts on Tremont Street and includes a parking lot to the east of the church building plus the church's septic system. He stated that the church has no intent of using the commercial zoning at this time. The rezone would put the church in the position to resell the land at a future date.

Ms. MacNab asked if the proponents have plans to separate the lot in the future, and Mr. Dowd stated that the rezone would put the church in a better position if the need arose to do so.

Ms. Jeannie Clark of 134 Surplus Street questioned who submitted this warrant article, and Ms. MacNab noted that it was an owner's petition.

Mr. Jamie MacNab of 269 Old Tobey Garden Street asked why the entire 3.7 acres is being requested for rezoning, especially considering the fact that the church needs the parking and septic portion. Mr. Dowd responded that the matter came up quickly and they chose to request rezoning for the entire parcel since they did not have time to separate the parcel first. Mr. MacNab asked the Board to consider the type of businesses that could be put on a 3.7 acre parcel.

Ms. Sara Wilson of 120 Bay Road requested that the Board consider the principles of good planning, no matter what the church's intent may be. She objects to rezoning parcel by parcel.

Ms. Lorrie Hall of 175 Abram's Hill Road noted that a big box retail store could be built on a 3.7 acre parcel of commercially zoned land, which would attract traffic in an already congested area. She stated that she believes this is a bad place to put commercial zoning.

Mr. Wadsworth pointed out that because the church is exempt from zoning, it could do what it wants on the property already. He stated his belief that the sole purpose of the rezoning is to enhance the potential value of the property for selling. He stated that it seems premature to rezone the property without carving off the part to be sold first.

Mr. Dennis Murphy, Chairman of the Zoning Board of Appeals (ZBA) stated that the ZBA has taken no position regarding this warrant article. He noted that during a Development Review Team meeting, the Highway Safety Committee suggested that the egress from Island Creek should be aligned with the Route 3 off-ramp, a reconfiguration that would potentially involve this parcel of land.

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MOTION: Mr. Bear made a motion, and Mr. Wadsworth provided a second, to close the public hearing regarding a proposed amendment to rezone a parcel located adjacent to 2 Tremont Street (First Baptist Church) from Residential Compatibility to Neighborhood Business 1.

VOTE: The motion carried unanimously, 4-0.

Ms. MacNab stated her position, that the proposed rezone is not the proper site for commercial zoning because of existing traffic and safety issues. In addition, she does not agree with the policy of zoning by parcel.

Mr. Halligan stated that he does not support the zoning change because there is no proposed plan to accompany it. Mr. Bear agreed with all of the statements against the proposed rezone.

MOTION: Mr. Halligan made a motion, and Mr. Bear provided a second, to recommend that Annual Town Meeting not approve a proposed amendment to rezone a parcel located adjacent to 2 Tremont Street (First Baptist Church) from Residential Compatibility to Neighborhood Business 1.

VOTE: The motion carried unanimously, 4-0.

PROPOSED REVISION TO ZONING BYLAWS ARTICLES 300 AND 400 RELATIVE TO CHANGES WITH THE DENSITY AND DIMENSIONAL REQUIREMENTS WITHIN A NEIGHBORHOOD BUSINESS ZONE

Ms. MacNab opened the continued public hearing at 9:13 PM. Mr. Halligan read the correspondence list into the record:

- 78 signed petitions in support of proposed article, submitted by S. Oliver at 01/12/09 Planning Board meeting
- Untitled spreadsheet listing estimated lot coverage for existing businesses in the Town of Duxbury, submitted by J.R. Kent at 01/12/09 Planning Board meeting.

Present for the discussion were Mr. J.R. Kent and Dr. Scott Oliver, local business owners who served on a working group that helped to develop the proposed warrant article. Other members of the working group were Mr. Bear and Ms. Ladd-Fiorini representing the Planning Board; and Town department heads including Mr. Joseph Grady, Conservation Agent; Mr. Scott Lambiase, Zoning Enforcement Officer; and Ms. Christine Stickney, Planning Director.

Mr. Kent noted that the working group met after the initial public hearing on January 12, 2009. He noted that the group has revised the definitions of open space, site coverage, and building coverage. In addition, the working group proposes wetlands to be excluded from site coverage calculations. The working group wishes to keep the 80 percent site coverage maximum and 20 percent open space minimum. He submitted a document detailing these revisions.

Mr. Kent noted that the proposed bylaw restricts building coverage by defining the maximum site coverage for commercial lots. Mr. Bear noted that the Town has never had a site coverage restriction

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before. By taking away gravel surfaces from site coverage calculations, lot coverage will more accurately reflect the intended coverage requirements.

Dr. Oliver noted that only three percent of land in the Town of Duxbury is zoned commercial. This bylaw would relate to only one percent of land in the Town. The bylaw eliminates the controversy of what is considered pervious or impervious.

Mr. Shawn Dahlen of 1538 Tremont Street and a local business owner, applauded the work done by Mr. Kent and the working group. He stated that his business, which he considers to be the kind of business property the Town would like to see, has a site coverage of approximately 70 percent. He supports the idea of defining open space clearly.

Mr. Dennis Murphy, Chairman of the Zoning Board of Appeals (ZBA) noted that the ZBA is concerned with the unintended consequence of this proposed bylaw. On a lot with 19.3 percent site coverage, an applicant would need to obtain a variance from the ZBA if they wanted to expand by only 1,000 square feet. It will make most commercial properties in Town subject to special permits for most changes. Mr. Dahlen disagreed, noting that the proposed change would not affect businesses that have extra space that is not needed for parking and want to expand. He stated that this proposed article will not change the character of the Town.

Mr. Wadsworth expressed a concern for how existing business owners would treat water runoff, and Mr. Dahlen responded that open swales could effectively treat runoff, and Mr. Wadsworth noted that the result of this change would be to take away the space for open swales.

Mr. Bear noted that determining the feasibility of drainage is property-dependent. The proposed bylaw would not change the amount of parking or coverage required on current business properties.

Mr. Ed McGlinchey of 20 Forge Way asked if Dr. Oliver's medical office property would be affected by the passage of this proposed article. Ms. MacNab replied that Dr. Oliver has gone through the Administrative Site Plan Review process and obtained a special permit from the ZBA for additional parking on his property. Passage of the article would allow for even more parking than was approved through the special permit. Dr. Oliver noted that, due to the shape of his lot, there may be only a minimal increase in the number of parking spaces.

Ms. Lorrie Hall of 175 Abram's Hill Road stated her concern with the effect of the proposed article on new businesses in Town. She questioned if the proposed article allows for enough space for retention ponds or vegetation that will purify runoff. She stated that she believes 20 percent open space is not enough, and she objected to the thought of more asphalt on business properties.

Ms. Jeannie Clark of 134 Surplus Street stated that although she is a proponent of gravel, it is impervious. She advocated that businesses need to accommodate parking on their own property.

Ms. Kay Foster of 134 Surplus Street asked if 30 percent open space would allow space for parking. Mr. Dahlen stated that he has reviewed his property in terms of the proposed article, and he believes it would work. Ms. MacNab noted that Dr. Oliver's building is at 11 percent open space and 50 percent site coverage, and the site has major parking issues. Ms. Foster agreed that gravel should be banned

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as a parking material. She noted that after a tour of existing commercial properties last year, she concluded that it is difficult to make one set of rules to fit all properties. Mr. Wadsworth noted that existing business properties are grandfathered, also noting that it is difficult to know where property lines are from looking at existing business sites.

Ms. Sara Wilson of 120 Bay Road, a former ZBA and Planning Board member, noted that it is possible to construct a commercial project with the existing 50 percent site coverage maximum. She objected to the proposed site coverage of 80 percent, stating that it does not allow for enough open space. She suggested that the Board consider addressing the issues with gravel by allowing a certain percentage of gravel to be paved over to include drainage. Mr. Bear noted that current businesses don't have enough parking with the 50 percent site coverage maximum.

Mr. Jamie MacNab of 269 Old Tobey Garden Street noted that the proposed 80 percent site coverage maximum is a dramatic change from the existing 50 percent maximum. He recommended a small increase.

Ms. Jeannie Clark of 88 Surplus Street noted that she attended a site tour with Mr. Kent and noted that several businesses were over 80 percent coverage. She stated that she was persuaded by that site visit that businesses do need more parking.

Mr. Josh Cutler of 22 Vine Street asked for clarification on current coverage limits.

Ms. MacNab asked for Board comments. Mr. Bear stated that most commercial buildings constructed within the past twenty years have not had 50 percent site coverage because they used crushed stone on parking lots to get around the requirement. The proposed article requires a minimum of 20 percent open space plus drainage for every new business construction.

Mr. Wadsworth noted that parking lots are major sources of pollution, and the bigger a parking lot the more pollution would be generated. Standard drainage captures the water runoff but does not treat it. Mr. Kent responded that as a result of his Administrative Site Plan Review for his commercial property, the Planning Board requested him to study parking in the Town. For two years now he has done that and concluded that 20 percent open space limits the building size and saves the Planning Board and ZBA time.

Ms. MacNab applauded Mr. Kent's efforts and noted that the working group has demonstrated a need to increase site coverage limits; however, she stated that she is not comfortable with the proposed leap to 80 percent site coverage. She suggested that the number could increase incrementally because it is easier to go up than to go back. Although she appreciates the work done, she is not comfortable with the 20 percent open space minimum.

MOTION: Mr. Bear made a motion, and Mr. Halligan provided a second, to close the public hearing regarding a proposed revision to Zoning Bylaws Articles 300 and 400 relative to changes with the density and dimensional requirements within a Neighborhood Business zone.

VOTE: The motion carried unanimously, 4-0.

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Mr. Halligan noted that with only four members present, he would like more time to consider the proposed article and to allow for a full Board vote at a future date. It was agreed to move the item to the Board's February 2, 2009 agenda at 7:45 PM.

PROPOSED REVISION TO ZONING BYLAWS ARTICLE 600 RELATIVE TO CHANGES WITH A NEW SECTION 603 RELATIVE TO PARKING REQUIREMENTS

Ms. MacNab opened the continued public hearing at 10:30 PM. Mr. Halligan noted that there was no new correspondence. Mr. Wadsworth noted that he served on a working group as Board representative, and the group's concern was that the number of employees changes over time. Mr. Dennis Murphy, Chairman of the Zoning Board of Appeals (ZBA), stated that once a business owner's number of employees shifts, it becomes a zoning enforcement issue. Mr. Murphy noted that the ZBA is forced to look at a snapshot in time for a situation that is not necessarily static.

Mr. Bear asked how the proposed bylaw would reflect new materials that are being introduced as technology improves. It was agreed that Mr. Halligan would work on a proposed amendment to the article for future consideration by the Board.

MOTION: Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to continue the public hearing regarding a proposed revision to Zoning Bylaws Article 600 relative to changes with a new Section 603 relative to parking requirements to February 2, 2009 at 8:00 PM.

VOTE: The motion carried unanimously, 4-0.

ADJOURNMENT

The Planning Board meeting adjourned at 11:03 PM. The next meeting of the Planning Board will take place on Monday, February 2, 2009 at 7:00 PM at Town Offices, Small Conference Room, lower level.