



Town of Duxbury Massachusetts Planning Board

Minutes 02/23/09

The Planning Board met in the Duxbury Town Hall, Lower Level, Small Conference Room on Monday, February 23, 2009 at 7:00 PM.

Present: George Wadsworth, Vice-Chair; Brendan Halligan, Clerk; Cynthia Ladd Fiorini, and Harold Moody.

Absent: Amy MacNab, Chairman; John Bear, and James Kimball.

Staff: Diane Grant, Administrative Assistant.

Mr. Wadsworth called the meeting to order at 7:03 PM.

OPEN FORUM

Planning Director Appointment: Mr. Richard MacDonald, Town Manager, was present to announce that he has appointed Mr. Thomas Broadrick, AICP, as Planning Director effective March 4, 2009. Mr. MacDonald noted that although there is currently a hiring freeze in the Town, the Planning Director position is crucial. Mr. MacDonald thanked the search committee, including Ms. MacNab and Mr. Halligan who served as Planning Board representatives; Mr. Jonathan Witten, Board of Selectmen chair; Ms. Jeannie Horne, Town Personnel Administrator; and Ms. Kay Foster, citizen at large.

APPOINTMENT: JENNIFER AND MICHAEL TURCOTTE, 20 HILLSIDE LANE

Present for the discussion were the homeowners, Mr. and Mrs. Turcotte, and their legal representative, Atty. Robert W. Galvin. Atty. Galvin noted that a condition on the Hillside Lane subdivision approval dated June 21, 2004 was that residential sprinklers would be installed upon construction of the dwellings. This did not happen and now the homeowners cannot obtain a final certificate of occupancy. Atty. Galvin noted that the Turcottes were told that it would cost \$10,000 to install a sprinkler system, but the quotes they received were closer to \$50,000.

Mr. and Mrs. Turcotte are proposing the installation of a 10,000 gallon cistern on the property as an alternative to the required sprinkler system. The cistern would be underground but accessible. The Fire Chief is willing to consider this alternative but is seeking Planning Board input first.

Mr. Halligan stated that he is open to the idea, noting that he would defer to the discretion of the Fire Department. If they are satisfied he would be inclined to approve their proposed modification. Ms. Ladd Fiorini and Mr. Moody agreed. Mr. Wadsworth expressed his concerns. While sprinklers are employed at any time needed, a cistern requires that someone be present to operate the water flow. Also, cisterns can leak. However, he also agreed to defer to the Fire Chief's judgment. Mr. Wadsworth advised the applicants to return to the Planning Board with a letter from the Fire Chief approving the proposed cistern.

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WORK SESSION: PLANNING BOARD RECOMMENDATIONS FOR ANNUAL TOWN MEETING, LOCAL HOUSING PARTNERSHIP ARTICLES

Present for the discussion were Ms. Diane Bartlett, Local Housing Partnership (LHP) chairman, and Brendan Keohan, a member of the LHP who serves as representative to the Community Preservation Committee.

Article 21: Temple Street / Crossroads for Kids (CPC/LHP) – Ms. Bartlett noted that the proposed article would approve using a three-acre parcel for affordable housing. This parcel had been purchased by the Town at a previous Town Meeting. Up to twelve bedrooms could be built, most likely in six two-bedroom units. An amount of \$50,000 was proposed for plans and specifications. All of the units would be sold for affordable housing.

Mr. Moody asked about an easement noted in the warrant article, and Ms. Bartlett noted that the Conservation Department has an easement on the property to access the bogs located behind the property. Mr. Wadsworth noted that the language in the article was referencing a housing restriction, not an easement. Mr. Halligan recommended changing the word “easement” to “restriction” in the warrant article.

MOTION: Mr. Moody made a motion, and Mr. Halligan provided a second, to recommend approval at Annual Town Meeting for Article 21 with an amendment to change the word “easement” to “restriction.”

VOTE: The motion carried, 4-0.

Article 22: House Recycling Program (CPC/LHP) – Ms. Bartlett noted that the Town has been offered three dwelling structures in the past two years but was unable to accept these gifts because the Town had no funding to move the buildings. The Villages at Duxbury offered the Town a garden home, and a house on Evergreen Street was also offered. Funding would be set aside in the Affordable Housing Trust. No offers are available at this time. Mr. Wadsworth noted that the house must be in a location considered a reasonable distance to move to a Town-owned lot.

Ms. Ladd-Fiorini questioned the cost to move a dwelling structure, and Ms. Bartlett responded that the estimate to move the Evergreen Street house was \$17,000. Mr. Josh Cutler of 22 Vine Street stated that the \$100,000 requested for this article might be better spent on other affordable housing projects. Mr. Wadsworth noted that the Town could sell the house as affordable housing and earn revenue for the Housing Trust. Mr. Moody asked what would happen with the funds if no future houses are offered to the Town, and Mr. Keohan responded that it could be added to funds from fees in lieu of affordable housing to implement another affordable housing program.

MOTION: Mr. Halligan made a motion, and Ms. Ladd-Fiorini provided a second, to recommend approval at Annual Town meeting for Article 22 as presented.

VOTE: The motion carried unanimously, 4-0.

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Article 23: Housing Acquisition Program (CPC/LHP) – Mr. Keohan noted that the Local Housing Partnership (LHP) is seeking \$300,000 in Community Preservation Act funds toward a program that would purchase homes in foreclosure. The LHP recently had an opportunity to purchase a property but did not have the funding available. They would like to set aside funds if a future property should become available. The home could be sold as affordable housing or could be rented as an affordable unit through the Duxbury Housing Authority.

Mr. Moody asked how the \$300,000 amount was determined, and Mr. Keohan replied that the LHP deemed that amount to be a reasonable price to purchase one home. Mr. Wadsworth added that funds would go into the Affordable Housing Trust. Ms. Ladd-Fiorini asked what would be the maximum sales price, and Ms. Bartlett responded that it would be approximately \$188,000.

MOTION: Mr. Halligan made a motion, and Mr. Moody provided a second, to recommend approval at Annual Town Meeting for Article 23 as presented.

VOTE: The motion carried, 4-0.

Article 24: Lake Shore Drive, Summer Street Affordable Housing Lots – This article seeks transfer of two Town-owned parcels to the Affordable Housing Trust. Ms. Bartlett noted that these two lots were the result of research performed by her, the Conservation Administrator, the former Planning Director, and a member of the Community Preservation Committee. Ms. Bartlett noted that she is attempting to have the lots perced before Annual Town Meeting. Ms. Bartlett noted that no funding is requested with this article.

MOTION: Mr. Halligan made a motion, and Ms. Ladd-Fiorini provided a second, to recommend approval at Annual Town Meeting for Article 24 as presented.

VOTE: The motion carried, 4-0.

Article 25: 159 Franklin Street (Fire House) Designation as Community Housing – This article would approve a permanent restriction on this former fire house for community housing, and authorize the Board of Selectmen to enter into a long-term lease for the property. Ms. Bartlett noted that this is a housekeeping article due to advice from Town Counsel. An adjacent parcel was purchased using Community Preservation Act funds with a restriction that it is to be used for affordable housing, but the fire house parcel is Town-owned and a restriction must be approved for it as well.

MOTION: Mr. Moody made a motion, and Ms. Ladd-Fiorini provided a second, to recommend approval at Annual Town Meeting for Article 25 as presented.

VOTE: The motion carried, 4-0.

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

Article 26: Affordable Housing Trust Allocation Plan – Ms. Bartlett noted that plan is required by State law to be approved annually. Mr. Moody noted that it will apply to funds acquired through fees in lieu of affordable housing when funds are received from the Duxbury Estates planned development. Ms. Bartlett noted that the project is near its fourteenth building permit, which would trigger the first payment.

MOTION: Mr. Halligan made a motion, and Mr. Moody provided a second, to recommend approval at Annual Town Meeting for Article 26 as presented.

VOTE: The motion carried, 4-0.

WORK SESSION: RECOMMENDATIONS FOR OTHER TOWN MEETING ARTICLES

Article 46: Proposed Zoning Bylaws Section 616, "Wind Facilities Regulations" – Mr. Halligan noted that the Zoning Board of Appeals (ZBA) suggested amendments during the public hearing and then the public hearing was closed. Therefore, the Board does not know if those suggested changes were made. Ms. Ladd-Fiorini commended the work of the petitioners, the Alternative Energy Committee. Mr. Halligan recommended waiting until more Board members are present to make a recommendation.

Article 10: GIS Revolving Fund –

MOTION: Mr. Halligan made a motion, and Mr. Moody provided a second, to recommend approval at Annual Town Meeting for the GIS Revolving Fund portion of Article 10 as presented.

VOTE: The motion carried, 4-0.

Article 13: Citizens' Petition to Reduce Community Preservation Act Surcharge from Three Percent to .25 Percent – Mr. Keohan had recommended earlier in the meeting that the Board consider weighing in on this article. Mr. Moody suggested doing so when more Board members are present.

ZBA REFERRAL: 110 GURNET ROAD / BOURGET

No one was present on behalf of the applicants for this proposal to demolish an existing garage and replace it with a new garage and second-floor studio. Mr. Wadsworth noted that the Board can comment on the potential increase sewage demand for the Town of Marshfield. Mr. Halligan noted that views and vistas may be impeded with the addition of a second floor addition. Mr. Moody recommended deferring judgment to the Zoning Board of Appeals, as there appear to be few planning issues.

MOTION: Mr. Halligan made a motion, and Ms. Ladd-Fiorini provided a second, to defer judgment to the Zoning Board of Appeals regarding this special permit application, noting that the Marshfield Sewer Commissioners should be consulted to ensure that adequate flow exists to service increased demand that may result from the proposed construction, given the sensitivity of the area.

VOTE: The motion carried unanimously, 4-0.

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ZBA REFERRAL: 84 AND 80 MARSHALL STREET / LOJKO AND DEMOS

No one was present on behalf of the applicants for this proposal for construction of a shared pier. Board members reviewed the plans and application and noted that there are no planning issues.

MOTION: Mr. Moody made a motion, and Mr. Halligan provided a second, to defer judgment to the Zoning Board of Appeals regarding this special permit application, noting that there are no planning issues.

VOTE: The motion carried unanimously, 4-0.

OTHER BUSINESS

Meeting Minutes:

MOTION: Mr. Halligan made a motion, and Mr. Moody provided a second, to approve meeting minutes of January 5, 2009 and February 2, 2009 as written.

VOTE: The motion carried unanimously, 4-0.

Duxbury Estates Special Permit for Modification to Planned Development: Ms. Grant noted that the applicants have filed to modify their original special permit to reconfigure the type of dwellings to be constructed. Mr. Wadsworth instructed her to notify the Zoning Board of Appeals that the Board intends to employ the services of a consulting engineer, Horsley Witten, to review the proposed modification.

Meeting Schedule: Board members agreed to cancel the March 2, 2009 Board meeting due to a lack of agenda items.

ADJOURNMENT

The Planning Board meeting adjourned at 9:53 PM. The next meeting of the Planning Board will take place on Monday, March 9, 2009 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.