



Town of Duxbury Massachusetts Planning Board

Minutes 03/30/09

The Planning Board met in the Duxbury Town Hall, Lower Level, Small Conference Room on Monday, March 30, 2009 at 7:00 PM.

Present: Amy MacNab, Chairman; John Bear, Vice-Chair; Brendan Halligan, Clerk; Josh Cutler, Cynthia Ladd Fiorini, Harold Moody and George Wadsworth.

Absent: No one was absent.

Staff: Thomas Broadrick, Planning Director; and Diane Grant, Administrative Assistant.

Ms. MacNab called the meeting to order at 7:07 PM.

OPEN FORUM

New Planning Board Members: Planning Board members welcomed a newly elected Board member, Mr. Josh Cutler, and congratulated Mr. Wadsworth on his re-election for a fourth term. Both had just been sworn in by the Town Clerk at the Board of Selectmen's meeting.

Green Communities Act and Alternative Energy Committee: Mr. Cutler reported that he had learned about a new initiative, Green Building Communities, at a recent Citizen Planner Training Collaborative workshop. Mr. Broadrick noted that the Alternative Energy Committee will take a lead on this initiative in the Town of Duxbury. He suggested that if the committee wishes to appoint a Planning Board representative, Mr. Cutler might consider serving. Ms. MacNab agreed that it would be helpful to have a Planning Board representative on the Alternative Energy Committee, especially in light of a proposed Wind Facilities bylaw which recently failed at Annual Town Meeting.

PLANNING BOARD APPOINTMENTS

Because it was the first meeting after Town elections, the Board considered appointing officers.

Chairman:

MOTION: Mr. Moody made a motion, and Mr. Halligan provided a second, to appoint Mr. Bear as Planning Board Chairman.

MOTION: Mr. Wadsworth made a motion, and Mr. Cutler provided a second, to appoint Ms. MacNab as Planning Board Chairman.

DISCUSSION: Mr. Cutler asked why each one would want to serve as Chairman. Mr. Bear stated that he would focus on process over content. He would like to keep Board meetings to a two-hour time limit. Ms. MacNab noted that it is important to keep the Open Meeting process in place, and she also would like to limit meetings to two hours. Mr. Wadsworth noted that Ms. MacNab has done a good job of informing and leading the Board.

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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.

VOTE: By a vote of 4-3, Ms. MacNab was elected Chairman. Four votes were cast for Ms. MacNab: Mr. Cutler, Mr. Halligan, Ms. MacNab and Mr. Wadsworth. Three votes were cast for Mr. Bear: Mr. Bear, Ms. Ladd-Fiorini and Mr. Moody.

Vice-Chairman:

MOTION: Mr. Cutler made a motion, and Ms. Ladd-Fiorini provided a second, to appoint Mr. Bear as Planning Board Vice-Chairman.

MOTION: Mr. Halligan made a motion, and Mr. Moody provided a second, to appoint Mr. Wadsworth as Planning Board Vice-Chairman.

DISCUSSION: Mr. Cutler suggested that although he appreciates Mr. Wadsworth's expertise, he believes it is time for a change, and the Vice-Chairmanship could be a good way to train a member for future chairmanship. Ms. MacNab commended Mr. Wadsworth's experience, stating that it is helpful in the position of Vice-Chairman.

VOTE: By a vote of 4-3, Mr. Bear was elected Vice-Chairman. Four votes were cast for Mr. Bear: Mr. Bear, Mr. Cutler, Ms. Ladd-Fiorini and Mr. Moody. Three votes were cast for Mr. Wadsworth: Mr. Halligan, Ms. MacNab and Mr. Wadsworth.

Clerk:

MOTION: Mr. Bear made a motion, and Ms. Ladd-Fiorini provided a second, to appoint Mr. Halligan as Planning Board Clerk.

VOTE: The motion carried unanimously, 7-0.

Planning Board Application Review Process: Ms. MacNab noted that the Zoning Board of Appeals (ZBA) has chairs pro-term who rotate for different projects, stating that she would be open to this idea for the Planning Board. Mr. Broadrick noted that although there is no reason not to assign chairs pro-tem, the ZBA applications are quasi-judicial in nature.

Affordable Housing Trust:

MOTION: Mr. Cutler made a motion, and Mr. Halligan provided a second, to recommend that the Board of Selectmen re-appoint Mr. Moody as Planning Board representative to the Affordable Housing Trust.

VOTE: The motion carried unanimously, 7-0.

Economic Advisory Committee:

MOTION: Mr. Cutler made a motion, and Mr. Halligan provided a second, to recommend that the Board of Selectmen re-appoint Mr. Bear as Planning Board representative to the Economic Advisory Committee.

VOTE: The motion carried unanimously, 7-0.

Land Use Group: Ms. MacNab agreed to continue serving.

MBTA Advisory: Mr. Broadrick offered to attend monthly meetings until a point in time when a Planning Board member is available to serve.

South Shore Coalition:

MOTION: Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to recommend that the Board of Selectmen appoint Mr. Cutler as Planning Board representative to the South Shore Coalition.

VOTE: The motion carried unanimously, 7-0.

Open Space Committee:

Mr. Moody noted that due to increased work commitments he will not be able to continue serving on the Open Space Committee. Mr. Moody's appointment expires June 30, 2010. Ms. Ladd-Fiorini agreed to take his place.

MOTION: Mr. Halligan made a motion, and Mr. Cutler provided a second, to recommend that the Board of Selectmen appoint Ms. Ladd-Fiorini to fill the unexpired term of Mr. Moody as Planning Board representative to the Open Space Committee.

VOTE: The motion carried unanimously, 7-0.

**APPOINTMENT WITH MARK CASEY OF SOUTH SHORE SURVEY RE:
POTENTIAL ACCESS MODIFICATION FOR PATTEN LANE (REED)**

Present for the discussion were the property owners, Mr. John Reed and Ms. Cynthia Reed; Ms. Marsha Johnson, landscape architect from Steven Simpson Associates; and Mr. Mark Casey of South Shore Survey. This was a follow-up meeting to a discussion on February 2, 2009.

Mr. Casey confirmed that the Reeds are proposing to change the material on Patten Lane, and the roadway will not be altered otherwise. A different material is proposed since the cobblestone presented in the February discussion. The new proposed material is 2' x 2' reinforced concrete pavers with holes that allow grass to grow. Mr. Casey also confirmed that the new material is pervious to allow water to seep through to the ground with no puddling.

Mr. Cutler asked if a large tree adjacent to the roadway will be cut down, and Ms. Johnson confirmed that it would remain.

Ms. Ladd-Fiorini asked about the proposed new driveway, and Ms. MacNab noted that the Board has no jurisdiction over the driveway. Mr. Casey noted that the driveway is being constructed to ensure safety and privacy.

Mr. Moody asked about the right-of-way easement with the abutting neighbors, and Mr. Reed confirmed that the neighbors are in agreement over the terms of the easement. Mr. Casey noted that the easement will be recorded at the Registry of Deeds, and agreed to submit a copy to the Board.

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MOTION: Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to accept a minor modification to roadway material not requiring a public hearing of a subdivision plan for Patten Lane, as shown on plans dated January 13, 2009 entitled, "Existing and Proposed Access and Egress Plan" prepared for Cynthia L. Reed, 341 Standish Street, Duxbury, MA 02332, prepared, stamped and signed by Gary Russell, RPE, on March 11, 2009.

VOTE: The motion carried unanimously, 7-0.

ZBA REFERRAL: ISLAND CREEK NORTH COMPREHENSIVE PERMIT REVIEW

Mr. Broadrick asked for Board input regarding the scope of review for a recommendation to the Zoning Board of Appeals (ZBA) for a comprehensive permit for expansion of Island Creek off Tremont Street. He noted that the application appears to be planned and documented well. If it is approved, the Town of Duxbury's affordable housing count will increase from the current 3.37% to 7.09%. The developers have proven their ability to construct and manage the project through the existing Island Creek development.

Mr. Broadrick noted that a major concern is the proposed commercial development, especially if it is used for medical offices open to the public, which would not be an ancillary use.

Ms. MacNab observed that the application proposes three times the density than was originally discussed when it was agreed that the Town would remove a prior deed restriction regarding future expansion. The original agreement was for 120 dwelling units, and the current 40B application is for 238 units. Also there was no mention of commercial uses in the original discussion, and there was supposed to be a land swap with the abutters, First Baptist Church. A current deed restriction prohibits structures on this property. However, the applicants are currently proposing to site the sewage treatment facility on this lot.

She recommended that the Board review the project as they would review an Administrative Site Plan Review application, including site issues, traffic and safety. Ms. Ladd-Fiorini noted that earlier discussions mentioned concerns with the proposed height of proposed four-story structures. Proposed underground parking was seen as a positive aspect of the application.

Mr. Wadsworth mentioned the following issues with the proposed application:

- Building height
- Project density
- Number of condominiums proposed should be decreased and number of rental units should increase
- Absence of clear information especially regarding parking and the assisted living facility
- Medical waste
- Traffic, especially if the commercial component is approved.

In conclusion, Mr. Wadsworth recommended that if the comprehensive permit is approved it should be with the understanding that the commercial component re-zone will be included in the Annual

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Town Meeting warrant for 2010 so that the commercial component can be subject to Administrative Site Plan Review.

Mr. Halligan noted that currently the commercial use is proposed as “ancillary,” to include businesses such as a hairdresser and coffee shop that residents could walk to. However, according to the application, medical office buildings are mentioned, which would not necessarily be an ancillary use. Mr. Moody expressed a concern with pedestrian traffic flow, especially for the proposed ancillary commercial use.

Mr. Bear noted that a change in mix from rental to condominium would change the type of residents that would live there. He recommended that the Board not focus on getting to the 10% affordable housing rate that would provide the Town a moratorium on future 40B applications.

Ms. MacNab noted that “Mile Brook” referenced in Conservation Commission letter is not included on plans.

Mr. Wadsworth suggested that the ZBA may want to consider recommending a required number of parking spaces. Mr. Broadrick noted that the ZBA consulting engineer, Mr. Thomas Houston, had reported that 438 parking spaces are shown and approximately 538 parking spaces are needed. Mr. Broadrick stated that this may be a good reason to suggest reducing the commercial component.

Mr. Broadrick summarized issues:

- Parking should be increased
- Sliding scale rental vs. condo
- Mile Brook should be shown on plans
- Pedestrian access
- Medical waste
- Level of services
- Height
- Density
- Example of Villages at Duxbury.

Mr. Broadrick asked for clarification regarding the Board’s issues with height. Ms. Ladd-Fiorini noted that the proposed height exceeds current Zoning Bylaw maximum of thirty feet. Mr. Bear noted that a larger concern is the increased height would result in increased density.

Mr. Cutler asked if any of the proposed units are age restricted, and Ms. MacNab noted that none are identified as age restricted. Mr. Wadsworth noted that units beyond one bedroom may result in negative tax implications. Ms. MacNab noted that it also would affect the wastewater treatment capacity. Ms. Ladd-Fiorini noted that currently only two-bedroom condominiums are proposed, and eight three-bedroom rental units are proposed.

Mr. Broadrick offered to prepare a draft recommendation for Board members to review prior to the next Board meeting on April 13, 2009.

OTHER BUSINESS

Annual Town Meeting Follow-Up: Mr. Broadrick asked for input from Board members regarding follow up to three zoning articles that did not pass at Annual Town Meeting 2009: Lot Coverage, Parking and Wind Facilities. Mr. Halligan noted that the Parking bylaw required paved surfaces. In order to get the updated parking requirements in place, he recommended that the Board consider removing the paving requirement and placing it back on the Warrant. Mr. Wadsworth suggested an alternative approach would be to include parking regulations under Administrative Site Plan Review Rules and Regulations. Ms. MacNab noted that the Administrative Site Plan Review is not an approval process. It was agreed to continue the general discussion at a future Board meeting.

ZBA Decision re: Duxbury Crossing: Mr. Broadrick noted that the decision confirms that there is no constructive approval of this 40B project, and tree clearing fines continue to accrue. Ms. MacNab noted that according to an article that recently passed at Annual Town Meeting, a lien can be placed on a property for unpaid fines.

Meeting Minutes:

MOTION: Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to approve meeting minutes of January 26, 2009 and February 23, 2009 as amended.

VOTE: The motion carried unanimously, 7-0.

ADJOURNMENT

The Planning Board meeting adjourned at 9:05 PM. The next meeting of the Planning Board will take place on Monday, April 13, 2009 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.