



Town of Duxbury Massachusetts Planning Board

Minutes 04/13/09

The Planning Board met in the Duxbury Town Hall, Lower Level, Small Conference Room on Monday, April 13, 2009 at 7:00 PM.

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

Absent: Harold Moody.

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

Ms. MacNab called the meeting to order at 7:03 PM.

OPEN FORUM

Local Housing Partnership (LHP): Mr. Wadsworth reported that the LHP is advocating for non-subsidized affordable non-connected structures. Ms. MacNab questioned why the LHP is discussing non-subsidized housing. Mr. Wadsworth responded that the LHP members believe that older residents are a large part of the Town's population that is not necessarily showing up on the Town census. Accessory housing could provide a place for these older residents to live, and older residents who own a property with accessory structures could relieve their tax burden by renting out an accessory apartment. Mr. Bear noted that it is his understanding that the LHP's charge is subsidized housing, not diversified housing.

Coastal Zone Management: Mr. Broadrick reported that representatives from the Towns of Duxbury, Kingston and Plymouth have been meeting regarding floodplain management. A forum is being held on May 11, 2009 at the Kingston Town Hall for Planning Board members from these three communities. Mr. Cutler offered to attend to represent the Town of Duxbury Planning Board.

ZBA REFERRAL: DUXBURY ESTATES PLANNED DEVELOPMENT (OFF SUMMER STREET)

Ms. MacNab noted that this was originally a tandem application with the Planning Board and Zoning Board of Appeals (ZBA) that was approved in 2007. As a planned development project, it featured increased density and a variety of housing types clustered throughout the development, with a percentage of the property allocated for open space. Currently, due to a challenging housing market, the applicant is proposing to change four duplexes into eight single family residences. Although it would reduce the number of duplexes from 30 to 22, the bedroom count would remain the same. The applicants are proposing two alternative structure sitings: Plan A and Plan B.

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Ms. Ladd-Fiorini noted that in the original special permit, it was stated that “no adjustment shall be made between units 30 and 31 and units 40 and 41.” If the modification is granted, this condition should be amended.

Mr. Broadrick suggested that the Board consider recommending Plan A because there is less of a separation between structures. Ms. Ladd-Fiorini agreed that Plan A is better because it is closer to the original plan. Ms. MacNab noted that according to ZBL 700 (Planned Developments), no more than 70 percent of any one type of housing is allowed. Mr. Broadrick noted that in a recent *Boston Business Journal* it was reported that there is a glut of inventory for over-55 housing.

MOTION: Mr. Halligan made a motion, and Mr. Cutler provided a second, that the Planning Board recommend Plan A of the Duxbury Estates special permit modification, noting recommendations from Horsley Witten in their review letter dated April 8, 2009, and also noting that page 9, second paragraph of the original special permit (Case #06-03) may require amendment under Option A of the proposed modification.

AMENDMENTS: Mr. Bear proposed amendments to the motion supporting the Planning Board’s recommendation:

- The proposed modification is still in compliance with Zoning Bylaws
- No additional bedrooms are proposed with this modification
- The number of dwelling units will remain the same
- The age restriction will remain unchanged.

Mr. Wadsworth proposed an amendment to note that site coverage will not be affected.

Mr. Halligan and Mr. Cutler agreed to all amendments.

VOTE: The motion carried unanimously, 6-0.

ZBA REFERRAL: 1053 TREMONT STREET / DACEY

Board members reviewed materials for this application to construct a new dwelling on a Wetlands Protection Overlay District (WPOD) zoned lot that contains an existing dwelling. Ms. MacNab noted that although the Zoning Board of Appeals (ZBA) is the special permit granting authority, Conservation Commission approval is also required to build on WPOD-zoned property.

Mr. Wadsworth noted that although three lots are shown on the plan, currently only one lot exists. Mr. Broadrick noted that this is a conceptual plan, not an Approval Not Required (ANR) plan. Mr. Bear suggested that it could be recommended to create two lots. Mr. Broadrick noted that the current lot is a pre-existing non-conforming lot due to frontage issues.

MOTION: Mr. Bear made a motion, and Mr. Halligan provided a second, to recommend the Zoning Board of Appeals NOT consider approving this proposal within the Wetlands Protection Overlay District per Zoning Bylaw Sections 404.1, 404.5, 404.7 and 404.9, noting the following:

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- The conceptual plan submitted shows three lots; however, only one lot currently exists. A definitive subdivision plan must be submitted to divide the property into lots: one for the existing single family dwelling and one for the proposed single family dwelling. The Planning Board will require a full submission per the Subdivision Rules and Regulations and will consider waivers only in accordance with direct public benefit to the community.
- Any proposed lots will require a constructed roadway from which legal frontage will accrue. It appears such construction would impinge on the Wetlands Protection Overlay District and would require construction within the 100-foot buffer zone, both of which will require further permitting from the Planning Board, Board of Health and Conservation Commission.
- The proposed lots would include wetlands and would be subject to the 100-foot buffer, which may cause setback issues with the Conservation Commission.
- The proposed right-of-way has existing accessory structures within it which would need to be removed.

VOTE: The motion carried unanimously, 6-0.

ZBA REFERRAL: ISLAND CREEK COMPREHENSIVE PERMIT REVIEW

Board members reviewed a draft memorandum prepared by staff and edited by Mr. Halligan. Mr. Broadrick noted that the continued public hearing is scheduled for April 23, 2009 and suggested that the Board's recommendation should be submitted by April 16, 2009 to allow time for the Zoning Board of Appeals (ZBA) to review it.

Ms. MacNab noted that this is the largest project the Town has seen, and a thorough review is warranted. Mr. Halligan noted that the ZBA is looking for Planning Board guidance. Board members deliberated and suggested revisions to the document, eventually creating a list of seven major categories to be addressed in their recommendations to the ZBA:

- Height/Density
- Ancillary Commercial
- Traffic
- Parking
- Assisted Living Facility
- Pedestrian Flow
- Incomplete Plans.

Board members gave specific feedback and suggested recommendations regarding these topics. After extensive discussion, it was agreed that Ms. MacNab and Mr. Bear would work with staff to finalize the memorandum with revisions to the presentation but no major change in content.

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MOTION: Mr. Wadsworth made a motion, and Ms. Ladd-Fiorini provided a second, to accept the Planning Board's recommendation to the Zoning Board of Appeals regarding a Comprehensive Permit for Island Creek North off of Tremont Street.

VOTE: The motion carried unanimously, 6-0.

OTHER BUSINESS

O'Neil Farm Proposed Easement: Mr. Broadrick referenced a fax from Atty. Douglas A. Muir dated April 7, 2009, noting that the owners are proposing to purchase a right-of-way easement from an abutting property owner. He explained that the land in question is non-profit, not Town-owned. The property contains an existing easement which is also in effect through a separate private agreement. The proposed easement would be used for travel by oxcart or as a footpath, and occasionally for farm machinery equipment. An approved subdivision plan restricts further construction within the right-of-way but does not restrict further easements. Ms. MacNab noted that although no action is required on behalf of the Board, it would have been preferred for the existing easement to be utilized instead of seeking another easement.

Engineering Invoice:

MOTION: Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to approve payment of the following Amory Engineers invoices:

- #12625A in the amount of \$812.50 for services related to 454 Franklin Street
- #12625B in the amount of \$227.50 for services related to Dingley Dell.

VOTE: The motion carried unanimously, 6-0.

Meeting Minutes:

MOTION: Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to approve meeting minutes of March 9, 2009 as written.

VOTE: The motion carried 4-0-2, with Mr. Bear and Mr. Cutler abstaining.

Green Communities Program: Mr. Cutler had provided the Board with a flier describing this Mass. Department of Energy Resources (DOER) program that is designed to help communities become more sustainable, contain energy costs, and create clean energy technologies and practices. The Green Communities program includes an energy audit program, energy management services technical assistance, and a Green Communities grant and loan program. Mr. Broadrick noted that he has completed and submitted an application for the Town of Duxbury to be considered for qualification as a Green Community.

ADJOURNMENT

The Planning Board meeting adjourned at 10:05 PM. The next meeting of the Planning Board will take place on Monday, May 11, 2009 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.

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