



# Town of Duxbury Massachusetts Planning Board

## Minutes 02/08/10

The Planning Board met at Town Hall, Small Conference Room, on Monday, February 8, 2010 at 7:00 PM.

Present: Amy MacNab, Chairman; Brendan Halligan, Clerk; Josh Cutler, Cynthia Ladd Fiorini, and George Wadsworth.

Absent: John Bear, Vice-Chair; and Harold Moody

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

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

### OPEN FORUM

Local Housing Partnership: Mr. Wadsworth reported that the Local Housing Partnership (LHP) will be sponsoring two articles for Annual Town Meeting 2010. One of the articles is to purchase a property including land and a dwelling. A purchase and sales agreement has not been signed yet. The Board of Selectmen unanimously voted against recommending the purchase. They would rather see a vacant parcel used because it would be proposed to raze the existing dwelling in order to move a donated structure onto the lot.

### CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: CUSHING'S RETREAT, 287 SUMMER STREET (ACCESS OFF OLDE PASTURE ROAD)

Present for the discussion were the applicant's representative, Mr. Mark Casey of South Shore Survey, and the town consulting engineer, Mr. David Glenn of Fay, Spofford and Thorndike. Mr. Halligan read the correspondence list into the public record:

- Letter from F. Orlowski dated 12/14/09 re: additional comments regarding relocating driveway (submitted at 12/14/09 PB meeting)
- Mutual extension form to continue public hearing to 02/08/10 (signed at 12/14/09 PB meeting)
- Letter from T. Mayo to B. Cushing dated 01/07/09 and submitted to Planning office on 12/15/09 re: cesspool system at 287 Summer Street
- Email from M. Casey to D. Glenn dated 01/28/10 re: response to FST review of 12/08/09
- "Driveway Profile Plan" supplemental plan (1 sheet) dated 01/06/10
- Letter from D. Glenn to PB dated 02/03/10 re: engineering review letter

Ms. MacNab asked Mr. Casey for a project update, and Mr. Casey replied that he had responded to Mr. Glenn's recommendations by submitting a "Driveway Profile" plan. He stated that the driveway would be treated as a roadway, with a vegetated swale running along it. Mr. Casey noted that looping a water main to Summer Street is cost prohibitive. The applicants will work with the Fire Chief to coordinate installation of a fire hydrant.

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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.

Ms. MacNab asked about the size of the water main on Olde Pasture Road, and Mr. Casey responded that he had visited the Water Department twice and that information is not available. Mr. Broadrick noted that it would be a benefit to Olde Pasture Road residents to loop the water service from Summer Street. Mr. Casey stated that it has not been determined where the water service on Olde Pasture Road ends, but most likely it will need to be extended to reach the end of the cul-de-sac. Ms. MacNab noted that all utilities should be shown on the plans. Mr. Broadrick stated that the water main needs to be determined prior to subdivision approval.

Mr. Glenn stated that a letter is required from the Water Superintendent confirming that water flow is adequate to supply water to the new lot. Mr. Peter Buttkus, Director of the Department of Public Works, who was present for a different topic, agreed to work with the applicant to locate the existing water main.

Mr. Wadsworth asked about groundwater protection on the proposed new dwelling lot. Mr. Casey interpreted the Zoning Bylaws to imply that drywells should be used only when other options are infeasible. Mr. Broadrick clarified that because the land is located in the Aquifer Protection Overlay District (APOD), water needs to be recharged on-site to protect the aquifer. Mr. Glenn concurred that drywells to treat roof runoff should be required.

Mr. Broadrick advised Mr. Casey that plans need to be revised to reflect changes discussed at tonight's meeting. Mr. Broadrick emphasized that the swale along the driveway also needs to be shown, along with a description. Mr. Casey stated that he intends to provide an operation and maintenance plan and noted that Mr. Glenn will inspect installation of the driveway and swale to make sure it is installed properly. Mr. Glenn asked if there will be a deed restriction to include the operation and maintenance plan, and Ms. MacNab confirmed that there will.

Mr. Broadrick noted that an abutter had suggested that the access be constructed from Summer Street to the new lot, adding that it may require an easement from the existing dwelling lot to the new lot. Ms. MacNab noted that although the Board tries to work with abutters, this request is not viable for a number of reasons. Generally, the Board only grants waivers that will provide public benefit.

Ms. MacNab asked if the existing pigeon coop and large structure will be razed, and Mr. Casey replied that they would.

Mr. Broadrick offered to draft a decision for the next Board meeting to include waivers and conditions. Mr. Casey offered to provide a cross-section of the driveway swale.

Ms. MacNab summarized that for the next meeting, the Board will be looking for information on the water main on Olde Pasture Road, as well as a list of conditions.

**MOTION:** Mr. Halligan made a motion, and Mr. Cutler provided a second, to continue the public hearing for Cushing's Retreat definitive subdivision to March 8, 2010 at 7:05 PM.

**VOTE:** The motion carried unanimously, 5-0.

**CREMATORY REPLACEMENT STUDY DISCUSSION**

Members of the Mayflower Cemetery Crematory Building Committee were present for the discussion, along with Mr. Scott Lambiase, Director of Inspectional Services; Mr. Peter Buttkus, Director of Public Works; and Ms. Patricia Pappas, Cemetery Director.

Board members had received an advance copy of a replacement study dated December 18, 2009.

Mr. Robert Hayes, chairman of the committee, noted that cremation is increasing in demand. National Crematory Association figures show that in 2007 the cremation rate in Massachusetts was 33 percent, and in 2015 it is projected to increase to 55 percent.

Mr. Hayes noted that the existing facility is thirty years old and has no running water or permanent space heat, and the equipment is inefficient due to its age. Ms. Pappas noted that it is difficult to locate parts for equipment this old. The proposed new equipment is more efficient. Mr. Andre Martecchini of the Crematory Building Committee noted that current facilities do not offer a place for families to view the cremation, and the new facility would incorporate an office and viewing area.

Mr. Cutler asked if the location of the proposed facility, off Mayflower Street, would interfere with a proposed police station siting. Mr. Hayes responded that there is talk that the crematory could share septic and heating systems with a new police facility.

Mr. Halligan noted that the Mayflower crematory costs seem low compared to other facilities in the state. Mr. Hayes responded that the Duxbury facility has one of the highest volumes in the state because they keep the cost low. He noted that the facility is highly regarded by area funeral directors.

Mr. Cutler asked if the operating expenses would increase or decrease with a new facility. Mr. Hayes responded that gas costs will go down due to the increased efficiency, and electricity costs will go up since there are none now. Mr. Emmett Sheehan of the building committee added that no operating cost increases are anticipated. Mr. Cutler asked if any alternative energy options were considered, and Mr. Sheehan replied that the windows are passive solar, and the siding is energy efficient.

Mr. Broadrick noted that the proposed new crematory would be built on existing cemetery land so no other uses would be affected. The old crematory site could then be used for additional burial plots. The new facility would improve the cremation process and working conditions for cemetery staff. It is anticipated that Administrative Site Plan Review would be required.

Ms. MacNab asked why the proposed building is so large, and Mr. Hayes replied that the project has actually been scaled back. As currently proposed, it would allow for two additional retorts, along with office space, and storage on the second floor and basement.

Mr. Wadsworth asked about storage of maintenance equipment, and Mr. Hayes responded that they have allowed space on the site for a future maintenance garage but are not seeking funding for it at this time.

**MOTION:** Mr. Halligan made a motion, and Mr. Cutler provided a second, that the Planning Board recommend support at Annual Town Meeting 2010 for Article #14, Crematory/Cemetery Office.

**VOTE:** The motion carried unanimously (5-0).

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Ms. MacNab then departed the meeting and Mr. Halligan, as Clerk, resumed the role as chairman for the remainder of the meeting.

### **AS-BUILT REVIEW: DUXBURY BAY MARITIME SCHOOL, 457 WASHINGTON STREET**

Present for the discussion were Mr. Charles Leonard of the Duxbury Bay Maritime School (DBMS), and Mr. David Glenn of Fay, Spofford & Thorndike, town consulting engineer.

Mr. Glenn referenced his engineering review letter of February 2, 2010, noting that catch basin #6 has been eliminated. An area at the rear of the building is now lawn instead of crushed stone. Also, there are 69 existing parking spaces instead of the 73 depicted on the approved site plan.

Mr. Leonard explained that one parking space was consumed by an NStar transformer. Three additional spaces at the east end of the tin shed were previously used for tenants. Since there are no longer tenants, the spaces are not needed so the area is now used for boat storage racks. Mr. Wadsworth expressed concern that parking could be an issue, and Mr. Leonard responded that more spaces could be found if needed.

Another minor issue raised by Mr. Glenn was that the dumpster sits on crushed shells instead of a pad. Mr. Leonard responded that because the dumpster was being moved with a forklift on a regular basis, it was much more efficient to keep it on crushed shells. Mr. Broadrick noted that although it is preferred to have a paved pad for dumpsters, there is some benefit to allowing flexibility in moving the dumpster.

Mr. Wadsworth applauded the increase in grass. He asked if all underground utilities are shown, and Mr. Glenn responded that they were.

**MOTION:** Mr. Wadsworth made a motion, and Ms. Ladd-Fiorini provided a second, to accept As-Built plans entitled, "Record Drawing, Duxbury Bay Maritime School, Duxbury, Massachusetts," stamped and signed by Patrick G. Brennan, RPE of Amory Engineers, PC, Duxbury, MA, 3 sheets, with the following conditions to survive with the title of the property:

Conditions # 6, 11, 15, 19, 20, 21, 22, 24, 25, 26, 27 and 28.

This Certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

**VOTE:** The motion carried unanimously, 4-0.

**MOTION:** Mr. Halligan made a motion, and Mr. Cutler provided a second, to release remaining escrow funds for Administrative Site Plan Review of Duxbury Bay Maritime School, after payment of a final invoice from Fay, Spofford & Thorndike.

**VOTE:** The motion carried unanimously, 4-0.

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**OTHER BUSINESS**

95 Tremont Street / Oliver Medical Building: Board members reviewed a draft letter to the Zoning Board of Appeals (ZBA) regarding enforcement of a violation of a Site Plan Review decision of April 2008 regarding a parking lot that was not built according to approved plans. Mr. Broadrick stated that the ZBA is looking for a memo from the Board so enforcement can be pursued. Mr. Cutler expressed concern that cars are still parking illegally on the lot. Board members agreed to approve sending the memo.

Other Enforcement Issues: Board members reviewed a January 2010 construction list published by the Inspectional Services Department, and noted two permits were issued that appear to violate current Zoning Bylaws. One lists a "pool house," and another is a "cottage house," presumably in addition to a main dwelling. Mr. Broadrick noted that Town Counsel has confirmed that sheds and garages are allowed but not secondary living spaces. Mr. Halligan agreed to contact the Town Manager to discuss the issue.

454 Temple Street (Cell Tower): Mr. Broadrick referenced a letter from the applicants, Industrial Communications, dated February 4, 2010 requesting the use of steel sheets instead of wooden supports to use as temporary support for construction equipment to travel over a culvert. He reported that Mr. Joseph Grady, Conservation Administrator, has no issue with the alternative material for the temporary supports. Board members agreed to this change in materials.

Engineering Invoice:

**MOTION:** Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to approve payment of Haley & Ward invoice # 0118134 dated 01/26/10 in the amount of \$675.00 for services related to Administrative Site Plan Review of Bayside Marine.

**VOTE:** The motion carried unanimously, 4-0.

**ADJOURNMENT**

The Planning Board meeting adjourned at 9:20 PM. The next meeting of the Planning Board will take place on Monday, February 22, 2010 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.