



# Town of Duxbury Massachusetts Planning Board

## Minutes 03/08/10

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

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

Absent: John Bear, Vice-Chair; and Josh Cutler.

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

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

### OPEN FORUM

David Cutler: Mr. Halligan noted with sadness the recent passing of Mr. David Cutler, publisher of the Clipper and Mariner newspapers, and father of Board member Josh Cutler. Board members expressed their condolences.

Annual Town Meeting: Ms. MacNab expressed disappointment that comments that a *Duxbury Clipper* reporter had solicited from her regarding proposed zoning articles had not been used.

Drew House Pier Application: Ms. MacNab reported that she had attended a Conservation Commission hearing regarding this application, and many neighbors were present and upset that old Planning Board minutes indicated that a pier could not be constructed because the area is within the Waterfront Scenic Area (WSA) district. The previous owner, the Duxbury Rural and Historical Society had not placed a deed restriction and now the current owner is applying to reconstruct a previously existing pier.

1053 Tremont Street / Dacey: Ms. MacNab reported that at the same Conservation Commission meeting, a public hearing was held regarding this property which is located in the Wetlands Protection Overlay District (WPOD). The application appears to be for a roadway and two building lots. The applicant has produced soil evaluations studies that appear to indicate that the land is not within the WPOD. In order to remove the property from the WPOD, the owners would need to get Town Meeting approval. Mr. Broadrick confirmed that a definitive subdivision application has been submitted to the Planning office.

Applications with Multiple Boards: Ms. MacNab noted that, after attending this Conservation Commission meeting and other Zoning Board of Appeals meetings, she has observed that there is often misinformation given by applicants regarding what other boards are saying. She suggested that the Board could consider assigning members to attend all hearings for a certain application. Mr. Broadrick noted that Town Hall staff has discussed the issue of misinformation, and suggested that perhaps staff should attend those meetings in order to answer any questions the other boards may have.

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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.

**CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: CUSHING'S RETREAT, 287 SUMMER STREET / ELM STREET REALTY TRUST**

The continued public hearing opened at 7:29 PM. Board members were presented with a mutual extension form to continue the public hearing.

**MOTION:** Mr. Halligan made a motion, and Mr. Moody provided a second, to continue the public hearing for Cushing's Retreat Definitive Subdivision to March 29, 2010, with a decision deadline of March 31, 2010.

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

**CONTINUED PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW: 126 TREMONT STREET / NEWCOMB FARMS DAIRY**

The continued public meeting opened at 7:32 PM. Present for the discussion were the applicant, Mr. Lawrence Newcomb, and town consulting engineer Mr. Walter Amory of Amory Engineers. Mr. Halligan read the correspondence list into the public record:

- Mutual extension form to continue public meeting to 03/08/10, signed by the PB and applicant on 02/22/10
- Email from D. Grant to DRT members re: second DRT scheduled for 02/25/10
- Fax from T. Broadrick to L. Newcomb dated 03/01/10 re: Traffic and pedestrian flow scenarios proposed by DRT
- Fax from D. Grant to W. Amory dated 03/08/10 re: Traffic and pedestrian flow scenarios proposed by DRT.

Mr. Broadrick reported on the Development Review Team (DRT) meeting held to provide recommendations regarding traffic and pedestrian flow and handicap parking. Mr. Halligan pointed out that the reason for the second DRT is that it was discovered that this will be a walk-up restaurant. No seating or ordering will take place inside the building. All pedestrian flow will therefore remain outdoors.

Mr. Broadrick noted that the DRT members came up with two recommended scenarios. Scenario #1 has a handicap space in front of the existing structure and eliminates a second handicap space that is not required. A turnaround space is provided at the far end of the lot.

Mr. Broadrick noted a new issue that was raised at the second DRT: any proposed change to the curb cut may require a permit from Massachusetts Highway Division. He recommended that Mr. Newcomb look into the matter, and offered to provide him with a contact at the Massachusetts Department of Transportation.

Mr. Broadrick presented Scenario #2, which the DRT preferred. It features a one-way traffic circulation pattern, with vehicles entering on site and exiting around the back of Bennett's General Store, an adjacent business at the intersection of Route 3A and Oak Street. Vehicles would exit onto Oak Street and then immediately come upon the stop sign on Oak Street at Route 3A. This scenario would require an easement over Bennett's land. Another issue is that improvement to parking at Bennett's General Store may require that business to apply for Administrative Site Plan Review. Bennett's is non-compliant with Zoning Bylaws at present.

Mr. Broadrick noted that the applicant goes to the Zoning Board of Appeals (ZBA) on March 11, 2010, and suggested that the Board provide the applicant with direction on the feasibility of the site before his hearing with the ZBA.

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Mr. Amory noted that he recommends Scenario #1 because it is simple and direct, and Scenario #2 creates a new set of issues. Mr. Broadrick noted that all DRT members were satisfied with Scenario #1 but preferred the traffic flow of Scenario #2. Mr. Amory noted that a primary concern at the DRT was pedestrian safety. He asked if a traffic light and crosswalk should be considered for the corner of Route 3A and Oak Street/ Parks Street, noting that traffic is already an issue in this area. Mr. Broadrick noted that a corridor study is needed for Route 3A from Oak Street/Parks Street to the intersection with Route 53 in the Town of Kingston.

Mr. Newcomb stated that he has good relationships with his business neighbors, but expressed concern with a potential liability issue with Scenario #2. He stated that Bennett's has dumpsters in the rear of the building now, which would need to be relocated if traffic was going to be directed around the back of Bennett's. He also expressed concern that instead of going around the back of Bennett's, vehicles may opt to take a shortcut and exit from the north side of Bennett's, adding to traffic concerns.

Mr. Newcomb concurred that there is an existing traffic concern in the area. It also appears that increasing the number of parking spaces would exceed maximum lot coverage. He stated that it would not be an issue for him if the proposed project does not go forward due to the limited amount of parking. Ms. Ladd-Fiorini asked about the appliance store on the north side of Mr. Newcomb's lot. Mr. Newcomb stated that it may be possible for vehicles to park there at night because the appliance business is open during the day.

Ms. MacNab noted that despite larger traffic corridor issues, she would like to see the project move forward. She asked if outdoor seating could be provided for patrons to sit and eat their ice cream. She also suggested that a bicycle parking area should be considered to keep children off the parking lot. Mr. Broadrick stated that this may affect the required septic capacity through the Board of Health.

Mr. Wadsworth expressed his preference for Scenario #2, with the understanding that it may have issues. Mr. Moody stated his opinion that Scenario #2 asks too much of the applicant. He recommended that the site should be reviewed for what it is alone, noting this is a business decision for the applicant to consider. Mr. Wadsworth stated that it is in the applicant's best interest to have an activity that the site can support. Mr. Broadrick recommended that Mr. Newcomb consider maximizing the number of parking spaces allowable for the site.

Mr. Broadrick will draft a letter to the ZBA with the following points:

- Scenario #1 is preferred as it appears to work best for both the town and the applicant
- At 11,000 square feet, the lot size is challenging to work with
- Existing traffic issues in the neighborhood also present challenges; however, the project appears feasible
- The project meets or exceeds parking regulations
- Parking is provided on-site as required
- Site coverage as proposed is under the 50% maximum allowed
- It is expected that the applicant will revise site plans to reflect Board recommendations
- With minor modifications to Scenario #1, the Board would expect to approve the site plan.

Mr. Newcomb stated that he and his wife will be making a decision within the next few days about whether to proceed or not.

**MOTION:** Mr. Wadsworth made a motion, and Mr. Moody provided a second, to continue the public meeting for Administrative Site Plan Review for 126 Tremont Street / Newcomb Farms Dairy to April 12, 2010.

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

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**WORK SESSION: ANNUAL TOWN MEETING 2010**

Article 16, Lot Coverage Citizen Petition: Ms. MacNab noted that although the proponents claim that the article will improve stormwater protection, it would actually cause a decrease in protection because there would be no treatment of groundwater.

Article 27, Community Preservation Act Funding for Purchase of Land for Affordable Housing: Mr. Wadsworth, who serves on the Local Housing Partnership (LHP), noted that this is a rare article not supported by the Board of Selectmen. The proposal is to purchase a property at 65 percent of its appraised price and then raze an existing dwelling in order to move a dwelling that the Village at Duxbury on Kingstown Way has offered to the town at no cost. The LHP would like to convert the donated single family unit into multiple units. The Board of Selectmen did not want to see the parcel in the Subsidized Housing Inventory. Mr. Wadsworth stated that a previous Town Meeting allocated funding to move the dwelling but there is no parcel to put it on at the present time. Mr. Wadsworth felt that the Board of Selectmen had an issue with the process as well as the concept. Ms. MacNab suggested that in the future the LHP should consider seeking Planning Board support for projects such as this that provide affordable single family housing.

**OTHER BUSINESS**Meeting Minutes:

**MOTION**: Mr. Moody made a motion, and Mr. Halligan provided a second, to approve meeting minutes of January 11, 2010 as written.

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

Planning Board Meeting Schedule: Board members agreed to cancel the Planning Board meeting of March 22, 2010. After Annual Town Meeting, the next regularly scheduled Planning Board meeting will take place on March 29, 2010. Board members also approved a proposed meeting schedule for April through December 2010, with meetings to take place on the second and fourth Mondays of each month.

**ADJOURNMENT**

The Planning Board meeting adjourned at 8:40 PM. The next meeting of the Planning Board will take place on Monday, March 29, 2010 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.