



Approved 04/26/10

# Town of Duxbury Massachusetts Planning Board

## Minutes 04/12/10

The Planning Board met at Town Hall, Small Conference Room, on Monday, April 12, 2010 at 7:00 PM.

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

Absent: Harold Moody.

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

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

### OPEN FORUM

95 Tremont (Oliver Medical Building): Mr. Wadsworth asked staff to find out if the installation of the liner underneath the pervious paving system had been inspected by the town consulting engineer. Mr. Wadsworth reported that he had looked at the new parking lot construction and it appears that the liner was placed only about three feet beneath the surface.

Grange Building, Franklin Street: Mr. Wadsworth reported that the Local Housing Partnership is currently debating whether to build one unit each on the former Grange building (existing structure) and one unit on the former fire station site (razed structure) or to follow a recommendation from the Board of Selectmen to convert the Grange building into two units. The two-unit structure would require the filing of a Local Initiative Project (LIP), which would be more expensive and time consuming. Mr. Broadrick noted that a meeting has been set up for April 24, 2010 with the Town Manager, Director of Inspectional Services, a Zoning Board of Appeals representative, Selectman Shawn Dahlen, and him to sort out the issue. Ms. MacNab noted that Annual Town Meeting voted two separate structures and recommended that the vote be honored.

River Lane: Ms. Ladd-Fiorini reported that an abutter to a property where it appears that two dwellings are being constructed on one lot will be submitting a letter to the Zoning Board of Appeals to request zoning enforcement, since current Zoning Bylaws prohibit more than one dwelling per lot.

### PLANNING BOARD APPOINTMENTS

Local Housing Partnership: Ms. MacNab thanked Mr. Wadsworth for serving on the Local Housing Partnership. He agreed to continue serving.

**MOTION:** Mr. Cutler made a motion, and Mr. Bear provided a second, to re-appoint Mr. Wadsworth as Planning Board representative to the Local Housing Partnership. Mr. Wadsworth accepted the nomination.

**VOTE:** The motion carried unanimously, 6-0.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 148; Fax: 781-934-1137

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Community Preservation Committee:

**MOTION:** Mr. Wadsworth made a motion, and Mr. Cutler provided a second, to re-appoint Mr. Bear as Planning Board representative to the Community Preservation Committee. Mr. Bear accepted the nomination.

**VOTE:** The motion carried unanimously, 6-0.

**ZBA REFERRAL: 134 AUTUMN AVENUE / POOLE**

Board members reviewed this application for an accessory apartment and materials submitted. Mr. Bear noted that architectural floor plans had not been submitted with the application, and no dates had been provided on Zoning Board of Appeals (ZBA) extension forms.

Ms. MacNab asked if adequate access and egress and adequate parking had been provided, and Mr. Broadrick advised board members to review a Pictometry orthophoto of the property. He noted that it appears that the existing driveway could easily accommodate the one additional parking space required. He pointed out that sidewalks are depicted on the site plan submitted showing adequate access and egress. He also agreed that it appeared that the application is not complete.

Mr. Wadsworth noted that the board is at a disadvantage in reviewing the application since no interior plans have been provided. Mr. Bear suggested that the board could suggest that the ZBA review the Accessory Apartment Bylaw checklist. He advised that the proposed septic plan should be verified, and Mr. Broadrick responded that the Board of Health is expected to comment on that issue.

**MOTION:** Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit application for an accessory apartment at 134 Autumn Avenue, recommending that the ZBA confirm that the applicant has addressed all requirements under Zoning Bylaws Section 410.6.2, lines a through h, including requirement 410.2.g (floor plan, site plan and septic plan).

**VOTE:** The motion carried unanimously, 6-0.

**ZBA REFERRAL: 4 DUCK HILL ROAD / FITZGERALD**

Board members reviewed this application for A 54" x 24" unlighted, freestanding, single-faced sign for a cleaning business. Mr. Broadrick explained that the posts remain from a previous business. He also noted that the Design Review Board had suggested that the applicants consider relocating the sign toward the northern side of the property to discourage customers from mistakenly driving down Duck Hill Road, a residential area.

**MOTION:** Ms. Ladd-Fiorini made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit application for 4 Duck Hill Road, noting that there are no planning issues.

**VOTE:** The motion carried unanimously, 6-0.

**WORK SESSION: DISCUSSION OF POTENTIAL TOPICS FOR JOINT MEETING WITH ZONING BOARD OF APPEALS, PLANNING BOARD AND CONSERVATION COMMISSION**

Board members have been invited to two separate land use meetings during the month of May. The Zoning Board of Appeals has planned a joint meeting with the Conservation Commission. Additionally, the Board of Selectmen has invited all land use groups to a Land Use Summit, a public forum.

Mr. Cutler commented that there appears to be a considerable amount of overlap between issues that could be raised at these meetings. Ms. MacNab pointed out that the Land Use Summit includes a much larger group of participants. Mr. Bear noted that residents will be invited to the Land Use Summit as well.

Ms. MacNab stated that there are issues to work on with a more focused meeting with the Zoning Board of Appeals and the Conservation Commission: an RFQ for a consulting engineer, for example. Mr. Cutler and Ms. MacNab shared the opinion that a town consultant would not be in the best interest.

Board members discussed possible topics for the joint ZBA meeting:

- Proposed Zoning Bylaw revisions
- Use variances
- Site coverage
- Planned Development amendment process

They also discussed possible topics for the Land Use Summit:

- Zoning enforcement
- Affordable housing.

Mr. Broadrick noted that the Town Manager has requested that he serve as facilitator for the Land Use Summit. Board members encouraged him to accept the request. Board members suggested that the Board of Selectmen consider inviting the following boards not currently listed on the invitation list:

- Alternative Energy Committee
- Bicycle/Sidewalk Committee
- Open Space Committee
- Historical Commission.

**OTHER BUSINESS**

**MOTION:** Mr. Wadsworth made a motion, and Mr. Bear provided a second, to pay the following Fay, Spofford & Thorndike invoices:

- Invoice #LG-403B-2 in the amount of \$900.00 for services related to Cushing's Retreat
- Invoice #LG-403C-1 in the amount of \$840.00 for services related to Duxbury Bay Maritime School

**VOTE:** The motion carried unanimously, 6-0.

**MOTION:** Ms. Ladd-Fiorini made a motion, and Mr. Wadsworth provided a second, to pay the following Amory Engineers invoices:

- Invoice #13064A in the amount of \$195.00 for services related to Newcomb Farms Dairy
- Invoice #13064B in the amount of \$325.00 for services related to Freeman Farms Modification III

**VOTE:** The motion carried unanimously, 6-0.

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Stormwater Expert: Mr. Broadrick offered to contact a colleague who is an expert from Clemson University to attend a future board meeting to educate members about stormwater management.

Double Density Lots: Mr. Bear asked about the status of zoning enforcement on lots with two dwellings which were permitted and built although current Zoning Bylaws do not allow two dwellings on one lot. Ms. MacNab reported that a letter is being drafted by the chairman of the Zoning Board of Appeals. Mr. Broadrick reported that he has started reviewing all building permits to prevent future oversights.

Building Permit List: Board members reviewed the permit list from March 2009. Mr. Broadrick noted that a permit was granted at 155 Surplus Street to demolish stalls in an existing accessory structure and to refurbish the structure for an estimated cost of \$100,000.00, noting that the building is to be converted to a garage and storage use by removing the kitchen and bathroom before issuance of a certificate of occupancy in a proposed new dwelling on the same lot. Board members considered how to follow up on what appears to be a permit to construct a temporary dwelling, which does not conform with current Zoning Bylaws. Ms. MacNab noted that the board can appeal this building permit, although she would have preferred to handle the situation administratively. Mr. Bear suggested that the Director of Inspectional Services be invited to a future board meeting to provide an understanding of how this permit had been issued. Board members agreed.

70 Bow Street: Mr. Broadrick explained to board members that an applicant would like to file a subdivision application but has found an error in the town Geographic Information Systems (GIS) depiction of the Wetlands Protection Overlay District (WPOD) overlay map. Although the town's GIS map shows the applicant's lot within the WPOD, a the official Wetlands Protection Overlay District map dated March 4, 1971 shows that the lot does not fall within the WPOD. Mr. Broadrick asked how the board would advise the applicant to proceed. Ms. MacNab responded that the board is bound by the maps approved at Annual Town Meeting. Staff will look into the original Annual Town Meeting vote. Mr. Wadsworth requested that staff also determine if the property is within the Aquifer Protection Overlay District.

Water Use State Regulations: Mr. Wadsworth reported that the state is attempting to force residents to meet a 65 gallon per day maximum usage. The current average usage is 85 gallons per day, and even in the winter exceeds 65 gallons per day. The state may resort to issuing permits for water withdrawal. The restriction may go to litigation. Ms. Ladd-Fiorini suggested that the Water Department could provide further education regarding water conservation. Ms. MacNab asked what the average usage is in other towns.

## ADJOURNMENT

The Planning Board meeting adjourned at 9:05 PM. The next meeting of the Planning Board will take place on Monday, April 26, 2010 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.