



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
11 FEB -1 PM 12:29
DUXBURY, MASS.

Minutes 01/10/11

The Planning Board met at Town Hall, Small Conference Room, on Monday, January 10, 2011 at 7:00 PM.

Present: George Wadsworth, Vice-Chairman; John Bear, Josh Cutler, Brian Glennon and Brendan Halligan.

Absent: Amy MacNab, Chairman; and Cynthia Ladd Fiorini, Clerk.

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

Mr. Wadsworth called the meeting to order at 7:02 PM.

OPEN FORUM

Business Signs: Mr. Glennon reported that he had heard from a local business owner that sign regulations may be an issue. Mr. Bear advised the Board that the Duxbury Business Association had considered a proposal to Zoning Bylaws to allow temporary signs and sandwich boards but eventually decided to not pursue any changes.

Grange/Fire House on Franklin Street: Mr. Wadsworth reported that the Local Housing Partnership is meeting with Board of Selectmen tonight to discuss a Local Initiative Program application to be submitted for this property.

Economic Advisory Committee (EAC): Mr. Bear reported that the EAC is looking into two large, inactive commercial lots in town to determine if specific types of businesses could be encouraged in those locations, the former Goodrich Lumber property on Railroad Avenue and the former Millbrook Motors on Tremont Street.

CONTINUED PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW: 668 TREMONT STREET / TOWN OF DUXBURY (CENTRAL FIRE STATION)

Fire Chief Kevin Nord was present as the applicant representing the Town of Duxbury. Also present were the site engineer, Mr. William Murray of PLACES Site Consultants, Inc. in Holden; the architect, Mr. Gregory Carell of The Carell Group, Inc. in Hopkinton; and members of the Public Safety Building Committee: Mr. Andre Martecchini (chairman) and Mr. Paul Brogna.

Board members reviewed a draft decision distributed by staff at the meeting. Mr. Broadrick noted that outstanding issues at the close of the last public meeting included nitrogen loading figures, monitoring wells, and building height. Mr. Carell submitted a small-sized elevation plan depicting the building height as 29.3 feet. Mr. Bear asked about the proposed replacement of the tower antennae, and Mr. Martecchini replied that the tower height requirement has not been determined yet; it is currently estimated at 65 feet in height. Mr. Broadrick noted that any height beyond the existing will require a variance from the Zoning Board of Appeals.

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

Mr. Wadsworth stated that it is in the best interest of the Fire Department to install monitoring wells to ensure water quality. There has been a fuel leak in the past and monitoring wells will provide an indication of future spills during fuel delivery. In a Zone II it is useful to know what is happening. Mr. Broadrick pointed out that monitoring wells are only required for special permits and this is not a special permit.

Chief Nord pointed out that the existing fuel pump filling station is owned by the Town of Duxbury and operated by the Department of Public Works (DPW), not the Fire Department. Mr. Martecchini added that the town is looking to move the fuel tanks to a future new DPW facility.

Mr. Glennon asked how often it is monitored, and Chief Nord provided a brief history, noting that in 1995 when tanks were ordered to be removed by a change in federal and state standards, contamination was found and 30 cubic yards of material was removed. After it was found that contamination still existed 150 cubic feet of material was removed and backfilled, and two tanks were replaced with one gas and one diesel pump. Mr. Wadsworth asked who is responsible for future clean-ups and Chief Nord responded that as of July 2010 the Department of Environmental Protection (DEP) is responsible.

Mr. Martecchini stated that it is the Public Safety Building Committee's position that the Fire Department is not required to install monitoring wells, either by local bylaws or the DEP. It is an unnecessary expense and they want to minimize costs to keep the budget low. Mr. Murray noted that the Board of Health witnessed boring tests to 30 feet in depth. Groundwater depth is estimated at 80 feet. Mr. Martecchini stated that any future spills will be dealt with as they are anywhere.

Mr. Bear noted that the issue of monitoring wells, although a worthy concept, is out of the Board's purview. Mr. Halligan noted that the proper party to address this issue is the DPW, not the Fire Department.

Mr. Bear asked about the nitrogen loading and Mr. Murray responded that while it is true that according to Zoning Bylaws Section 406.9.4 Special Permits, the special permit granting authority may withhold approval if the nutrient combination from the proposed development when added to the existing will generate nitrate nitrogen in excess of five (5) parts per million; however, in this case the bylaw does not apply since this application is not a special permit. Mr. Broadrick added that there is at least forty feet of sand to filter groundwater and the applicant has assured the Board that the nitrogen loading will be reduced. Mr. Murray added that Best Management Practices will be followed. Mr. Martecchini stated that the applicants will propose for Annual Meeting 2011 a deed restriction for no nitrogen loading on the additional parcels included in this application. Mr. Murray noted that the deed restriction was a condition included in the Board of Health's approval of the septic plans last week.

Mr. Broadrick reviewed the draft Administrative Site Plan Review decision with the Board and made revisions. Mr. Broadrick advised the applicants that an Approval Not Required (ANR) or 81X plan should be filed prior to As-Built approval. Mr. Martecchini reported that the project is expected to go out to bid within the next two weeks.

MOTION: Mr. Bear made a motion, and Mr. Cutler provided a second, to approve an Administrative Site Plan Review decision for the Duxbury Central Fire Station, 668 Tremont Street / Town of Duxbury, draft date January 11, 2011 with the elimination of conditions 4, 5 and 14.

VOTE: The motion carried unanimously, 5-0.

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PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW: 774 TREMONT STREET / TOWN OF DUXBURY (CREMATORY)FEB 11 PM 2:30
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Present for the discussion were the applicant's representatives:

- Mr. Peter Buttkus, Director of Public Works
- Ms. Patricia Pappas, Cemetery Director
- Mr. Robert Crowell of Crowell Engineering, Duxbury
- Mr. Adrian Nile of Reed Hildebrand Associates, Inc., Watertown, MA, landscape architect
- Mr. Scott Slarsky and Ms. Mary Ann Holliday of designLAB architects, inc., Boston, MA
- Mr. Robert Hayes, Mr. Joe Shea and Mr. Emmett Sheehan of the Crematory Building Committee (Mr. Buttkus and Ms. Pappas are also ex officio members).

Mr. Slarsky displayed a sheet of images that inspired the crematory design. He described the site as beautiful and heavily wooded. Mr. Crowell showed the proposed site plans, noting that three entrances are proposed: a service entrance and public safety entrance on Mayflower Street, and a public entrance from the cemetery on Tremont Street. Mr. Broadrick explained that the public safety entrance is not shown on originally submitted plans because they were added at the request of Fire Department Development Review Team (DRT) comments. The emergency entrance will be gravel and will be plowed during the winter. The goal will be to preserve as much vegetation as possible to screen the Mayflower Street side of the building.

Mr. Nile explained how the building site was defined on level ground that has a knoll to the west and a kettle hole on the southwest corner that will serve as a natural drainage area. Mr. Crowell stated that there will be no roof gutters and water will collect into a catch basin.

Mr. Wadsworth asked about monitoring wells and Mr. Crowell responded that one currently exists on the site. Mr. Buttkus added that the Department of Environmental Protection (DEP) has no issue with moving it.

Mr. Nile showed where parking spaces are proposed. Mr. Crowell stated that 18 parking spaces are proposed: ten paved spaces plus eight spaces to park along the cemetery road. Mr. Hayes noted that the proposed facility includes a viewing room and it is a growing trend for families to attend viewings.

Mr. Hayes reported that the intent will be for the public to enter the crematory from the cemetery. Mr. Cutler asked if signs will be posted at the Mayflower Street service entrance, and Ms. Pappas assured the Board that it will be clearly marked.

Mr. Glennon asked about the sight line and Mr. Nile responded that it is clear. Mr. Crowell added that Mayflower Street is posted as 30 miles per hour.

Mr. Crowell noted that a current gas line on Mayflower Street is 1 ½ inches in diameter, and the applicants propose a 4 inch gas line to run along Mayflower Street. Mr. Buttkus reported that the DPW will dig and the gas company will help install the gas line. A new fire hydrant will be installed with 2 inch domestic service. A 40-foot existing electric pole would need to be replaced with a 45-foot pole. All electric service lines will be installed underground.

Regarding drainage, Mr. Nile stated that groundwater will run off directly to a 40 to 50 foot existing swale, running through a pipe to the kettle. Mr. Glennon asked if there would be any water/oil separation, and Mr. Nile responded that there would not, adding that there is not a lot of new paved surface. Mr. Glennon noted that traffic would be increasing.

Mr. Wadsworth noted that a swale with appropriate vegetation would provide filtration. Mr. Broadrick offered to provide the applicants with an example of an effective rain garden used at the entrance to Duxbury Estates

Planned Development on Summer Street. Mr. Wadsworth recommended that the applicants submit a site plan to show soil characteristics underneath the drainage.

Mr. Glennon noted that parking needs should be addressed now in light of the potential for viewings to become funeral services. Ms. Pappas responded that the viewings are 15 minute services and family is not encouraged to stay for long. Mr. Hayes noted that the viewing room capacity is approximately 30 people. There will be a wide road leading up to the crematory which should be able to accommodate many vehicles. Mr. Bear added that the current cemetery can accommodate a good number of vehicles as well.

Mr. Glennon requested an elevation plan. Ms. Holliday stated that the maximum building height is 23 feet and is not clearly visible from Mayflower Street. The architects reviewed the floor plans with Board members and explained the proposed layout.

Board members then reviewed a draft decision prepared by staff. Applicants agreed to provide a drainage detail sheet with a list of proposed plantings; drainage calculations for a 25-year storm; and an erosion control plan. It was agreed that the discussion would continue at the Board's meeting of January 31, 2011.

MOTION: Mr. Cutler made a motion, and Mr. Glennon provided a second, to continue the public meeting for Administrative Site Plan Review of the Town of Duxbury Crematory at 668 Tremont Street to Monday, January 31, 2011 at 7:05 PM.

VOTE: The motion carried unanimously, 5-0.

REQUEST FOR RETURN OF ESCROW FUNDS AND APPLICATION FEE, MCLEAN'S WAY, 56 & 70 BOW STREET / BAYSIDE PROPERTIES (REINHALTER)

Board members reviewed a letter from the applicant's attorney, Robert W. Galvin, dated December 28, 2010 requesting permission to withdraw the Board's approval of a Residential Conservation Cluster (RCC) development and requesting a refund of unexpended escrow funds and application fee totaling \$6,900.00.

Mr. Cutler asked why the applicants withdrew and Mr. Broadrick responded that the applicants did not wish to develop the land. Mr. Broadrick explained that the escrow account funds are held in a separate account and routinely returned to applicants at the end of a project. The application fee is deposited into the town's general fund and is not routinely returned. If the applicant were to file for the RCC plan which the Planning Board approved on a preliminary basis, then their original Definitive Subdivision application fee of \$2,800.00 would have been applied. Mr. Broadrick suggested that the Board could consider taking the application fee from the Planning Department budget to eliminate the need to request funds from the general budget through the town meeting process.

Mr. Glennon noted that application fees are typically not refundable. Mr. Bear noted that some expenditures were made such as advertising. After some discussion it was agreed to table the application fee request to a later date so that all expenditures can be identified.

MOTION: Mr. Glennon made a motion, and Mr. Cutler provided a second, to release any unexpended funds from the McLean's Way Residential Conservation Cluster / Definitive Subdivision Review escrow account.

VOTE: The motion carried unanimously, 5-0.

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DISCUSSION OF MEMORANDUM FROM CONSERVATION COMMISSION RE: INGALL'S GROVE DEFINITIVE SUBDIVISION

Present for the discussion was the applicant's representative, Mr. Paul Brogan of Seacoast Engineering. Mr. Broadrick explained that the Conservation Commission is requesting further information regarding what work, if any, can be done on a "No Cut" buffer area depicted on Definitive Subdivision plans approved by the Board in November 2005. He stated that the consulting engineer for the project, Mr. Thomas Sexton of Mainstream Engineering, had recommended the no-cut buffer in order to meet Subdivision Rules and Regulations design guidelines which recommend preservation of existing vegetation.

Mr. Broadrick asked if any grading is proposed, and Mr. Brogan responded that some minor grading will be needed. Brush and invasive plants would be removed. Mr. Halligan noted that while "No Cut" means "no touch," pruning is different and the Conservation Commission should be able to determine the extent of pruning that may be necessary.

After further discussion it was agreed that "No Cut" means no disturbance, although Mr. Cutler felt that the Conservation Commission should have some discretion in allowing cutting that they may believe is warranted.

MOTION: Mr. Glennon made a motion, and Mr. Bear provided a second, to advise the Conservation Commission that in the case of the Ingall's Grove Definitive Subdivision approved plan the intention of "No Cut" means no disturbance.

VOTE: The motion carried 4-1, with Mr. Cutler voting against.

DISCUSSION OF ZBA HEARING RE: 21 RIVER LANE

Board members discussed a public hearing which closed on January 6, 2011 regarding an appeal of the Zoning Enforcement Officer's ruling on a request for zoning enforcement regarding the construction of a guest house at 21 River Lane. Mr. Bear noted that the Zoning Board of Appeals (ZBA) ruling appeared to be "no violation with conditions." Mr. Wadsworth noted that the proof will be in the decision and it may be guided by Town Counsel so may be different from what was witnessed at the ZBA hearing. He noted that all ZBA members stated that the guest house appeared to be a dwelling. The ZBA chair, Ms. Judith Barrett, had advised the Building Inspector, Mr. Scott Lambiase, that she did not want to see this type of permit granted again.

Mr. Glennon noted that it appeared that the ZBA put the blame on the Board for ambiguities in current Zoning Bylaws. He stated that ambiguities are why the ZBA exists in most towns. Mr. Halligan expressed appreciation to Mr. Glennon for his comments. He noted that the ZBA can provide input to amend the Zoning Bylaws. Zoning Bylaws cannot anticipate every possible scenario but the ZBA should be part of the resolution. Mr. Bear stated that the concept of removing a stove to disable a dwelling cannot be defended. The ZBA's ruling that the dishwasher, washer/dryer and stove should be removed was merely symbolic. He stated that it is not appropriate for the ZBA to criticize the Zoning Bylaws as part of a public hearing. Mr. Glennon thanked Mr. Broadrick for his effort in presenting the Board's appeal to the ZBA.

OTHER BUSINESSMeeting Minutes:

MOTION: Mr. Glennon made a motion, and Mr. Bear provided a second, to approve meeting minutes of November 22, 2010 as written.

VOTE: The motion carried 4-0-1, with Mr. Halligan abstaining.

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MOTION: Mr. Bear made a motion, and Mr. Glennon provided a second, to approve meeting minutes of December 13, 2010 as amended.

VOTE: The motion carried unanimously, 5-0.

Meeting Schedule: Board members reviewed a proposed meeting schedule for 2011. Mr. Cutler recommended that the Board consider scheduling a future meeting at the newly renovated Tarkiln Center if a larger meeting space is required.

ADJOURNMENT

The Planning Board meeting adjourned at 9:55 PM. The next meeting of the Planning Board will take place on Monday, January 24, 2011 at 7:00 PM at Duxbury Senior Center, 10 Mayflower Street.

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