



# Town of Duxbury Massachusetts Planning Board

Approved May 23, 2011

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DUXBURY, MASS.

## Minutes 04/25/11

The Planning Board met at the Duxbury Town Hall, Small Conference Room, on Monday, April 25, 2011 at 7:00 PM.

Present: George Wadsworth, Vice-Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Josh Cutler, and Jennifer Turcotte.

Absent: Amy MacNab, Chairman; and Brian Glennon.

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

Mr. Wadsworth called the Planning Board meeting to order at 7:08 PM.

### OPEN FORUM

Alternative Energy Committee: Mr. Cutler reported that the Alternative Energy Committee will be meeting with a representative of Alteris Renewables to discuss the feasibility of constructing a solar array at the capped landfill off of Mayflower Street.

Open Space and Recreation Committee: Ms. Grant reported that although Mr. Glennon was not able to attend tonight's meeting, he had asked her to report that the Open Space Committee is hosting a scavenger hunt at the Miles Standish Monument on Sunday, May 15, 2011. Mr. Bear asked about the status of the town acquiring the Standish Park and Mr. Broadrick responded that there is no update at this point.

Meeting Minutes: Because it was not yet time for the public meeting, the Board addressed other business.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Cutler provided a second, to approve meeting minutes of March 28, 2011 as amended.

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

### APPOINTMENT: MS. JESSICA WILLIAMS

Mr. Wadsworth reported that Ms. Williams had sent an email earlier that day with regrets that she could not attend tonight's Board meeting.

### INITIAL PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW: 421 ELM STREET / TOWER RESOURCE MANAGEMENT

Present for the discussion to represent the applicants were Atty. Edward Pare and Mr. Michael Johnson of Tower Resource Management, Inc. Also present was Mr. Patrick Brennan of Amory Engineers, the town consulting engineer.

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

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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.

Atty. Pare presented the proposal to construct a 100-foot monopole cell tower on a leased area of a 2.1 acre lot adjacent to Route 3 that is zoned Residential Compatibility that contains a private dwelling. On April 5, 2011 the Zoning Board of Appeals approved a special permit for construction of a cell tower and equipment facility and a variance for distance from adjacent lot lines. The twenty-day appeal period ended today.

Atty. Pare described the access through an existing driveway which will be extended to construct a gravel access road leading to the tower compound, 1,600 square feet. The equipment compound will be fenced in with a gate for security. He displayed an elevation plan showing a "stealth" flagpole unipole made of fiberglass which stands on a slab foundation.

Mr. Wadsworth asked if a generator would be installed, and Atty. Pare responded that it would not, noting that no lighting is proposed on the pole. Mr. Wadsworth asked if any hazardous materials would be on site, and Atty. Pare responded that they would not. Mr. Wadsworth asked if T-Mobile would be the only carrier, and Atty. Pare responded that although they would prefer a co-locator, at this point only T-Mobile equipment is proposed. There is capacity for two to three carriers within the proposed tower. Any proposed additional carrier would require an amendment to the special permit. Once operational, it is expected that there would be no more than one visit to the site per month by each carrier.

Mr. Cutler asked what would happen with the potential merger of T-Mobile and AT&T, and Atty. Pare replied that the merger has not been approved, and the cell tower would most likely be used in any case. If the cell tower is not in use, the applicants have posted a bond through the Zoning Board of Appeals for its removal.

Mr. Brennan of Amory Engineers spoke next, referencing his review letter dated March 10, 2011, summarizing the following comments:

- Graphic scale on Sheet C-1 of the site plan needs to be corrected.
- Property lines are from compiled information, and it is recommended that a boundary survey be performed by a registered land surveyor to verify property lines, with a stamped plan to be submitted.
- The top twenty percent of the tower is to be reserved for potential town use, and the project narrative states that the proposed antennae will be installed from 84-feet above ground level to the top of the tower. This does not leave an adequate space for town equipment.
- Plantings around the perimeter of the fence should be depicted on plans.
- Soil conditions should be evaluated to verify tower foundation suitability, and the proposed foundation should be shown on plans.

Mr. Bear asked about the town use of the cell tower, and Mr. Broadrick reported that the town will use the 100-foot tower recently approved at the Central Fire Station on Tremont Street, and the new police station most likely will have a tower as well.

Mr. Wadsworth invited public comment. Mr. Tom Mackin of 453 Elm Street stated that he and his wife, Ms. Donna Mackin, live two homes away from the proposed site. He stated that they had come to Town Hall to oppose the project, but they were told that it is too late. Mr. Mackin stated his concerns:

- Potential for additional carriers and the resulting increase in frequencies
- Potential for additional towers in the future
- Frequency intensity at the site
- Liability for health issues resulting from antennae.

Mr. Wadsworth noted that all of these concerns are under the jurisdiction of the Zoning Board of Appeals (ZBA). The ZBA public hearing has closed and a decision has been rendered. Atty. Pare offered that the frequency intensity at the pole is minimal and is regulated by the Federal Communications Commission (FCC). Mr. Broadrick noted that the Planning Board had also sent a public meeting notice for tonight's

Administrative Site Plan Review, and it may have confused some abutters who received notices from both the Planning Board and the Zoning Board of Appeals. Mr. Broadrick explained the appeal process and invited the residents to come to the Planning Office if they needed further clarification or wanted to pursue any complaints with the process.

Mr. Wadsworth directed staff to draft a decision for the next available meeting date.

**MOTION:** Ms. Turcotte made a motion, and Mr. Cutler provided a second, to continue the public meeting for Administrative Site Plan Review of 421 Elm Street / T-Mobile and Tower Resource Management, to Monday, May 9, 2011 at 7:10 PM, with a decision to be drafted for approval.

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

**INITIAL PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW:  
489 WASHINGTON STREET / DUXBURY YACHT CLUB, INC.**

Present for the discussion to represent the applicants were Mr. John Cavanaro and Ms. Carmen Hudson of Cavanaro Consulting; Atty. Walter Sullivan; and Mr. Stewart Rose and Mr. Sandy Salmela of the Duxbury Yacht Club. Also present was Mr. Mark Nelson of Horsley Witten, the town consulting engineer.

Mr. Bear disclosed that he is a member of the Duxbury Yacht Club but is not directly involved in this project. He offered to recuse himself if there was any issue, but no issue was raised by other Board members.

Mr. Cavanaro presented the proposal to close in an existing screened porch and garage and construct a new 17-space parking lot with grading and lighting on a .93 acre lot on the northwest corner of Washington Street and Mattakeeset Court in the Residential Compatibility District. He noted that the applicants are also before the Zoning Board of Appeals for a special permit for use of a private dwelling for a private club.

Mr. Cavanaro stated that the town will benefit from the proposed project because the new parking lot will add spaces which are at a premium in that area near the town harbor during the summer months. The applicants worked to lay out the parking lot to fit the needs of the yacht club while maintaining the historic nature and residential feel of the neighborhood. They also worked with the abutting property owner to maximize screening and place the parking lot at a lower elevation. The number of proposed spaces is suitable for typical use of a private club, although there is no specific reference in the Zoning Bylaws parking section. A total of 17 parking spaces is proposed, with 15 located in the proposed parking lot and two near the garage that will be converted to office space. There will be one marked handicap accessible parking space near the structure and one unmarked space that is handicap sized but will not be marked. Only one handicap space is required. An existing garage on the property will be converted to office and storage space. A pedestrian walkway is proposed from the parking lot to the main building, which is currently a dwelling. The parking and access/egress will be gravel, with 10 x 20-foot spaces marked by curb stops.

The proposed grade change for the parking lot would complement existing topographical conditions. There is a depressed area on the lot that apparently was a foundation for a former accessory structure. A small retaining wall is proposed to provide vegetation on both sides of the parking lot, with a ten-foot buffer to Mattakeeset Court.

The applicants propose a Low Impact Design (LID) drainage system, with a vegetative swale to capture, slow down, and reduce flow. The gravel also provides a level of pre-treatment before the runoff flows through the swale to a proposed rain garden. Soils are medium to fine sand adjacent to coastal waters.

Mr. Cavanaro stated that his firm has prepared a letter dated April 21, 2011 in response to the town consulting engineer's review letter dated April 19, 2011. Staff distributed copies of the Cavanaro letter to Board members. Staff also distributed copies of Development Review Team (DRT) minutes, and Mr. Cavanaro stated that the applicants will also respond to DRT comments from town department heads. For instance, they will review the turning radius and possibly modify parking plans to provide better turning radius for public safety equipment.

Mr. Wadsworth asked about lot coverage calculations, and Mr. Cavanaro responded that the project is well under the 15% lot coverage requirements for Residential Compatibility (RC) Districts. Atty. Sullivan noted that the building coverage is approximately 8.1%. Mr. Wadsworth noted that the Board considers the gravel driveway and parking area as impervious because gravel compacts over time. The Board typically recommends paving parking areas in Neighborhood Business Districts because it provides better drainage. In this case it is a private club in an RC District. Mr. Broadrick added that it is also important to consider that the site is near the waterfront.

Mr. Wadsworth asked how the applicants derived the number of parking spaces, and Mr. Cavanaro responded that they allowed for one parking space for every 300 feet of the total 5,000 square foot area of buildings to come up with 15 parking spaces. Mr. Wadsworth asked how many employees would be working there, and Atty. Sullivan responded that two full-time employees and one part-time employee will work in the office that will be converted from the existing garage. Currently the office is offsite in a rented space. Mr. Wadsworth asked about the proposed use of the dwelling, and Atty. Sullivan responded that it will provide meeting space for evening committee meetings.

Ms. Ladd Fiorini asked about traffic flow, specifically how a vehicle would exit the parking lot if it was full. Mr. Cavanaro stated that it would be easy for a vehicle to back out of the parking lot. Mr. Cutler commented that it does not appear that the handicap space is connected to the parking lot.

Mr. Bear asked if the applicants intend to remove lot lines, and Atty. Sullivan responded that they do not. Mr. Bear noted that some of the proposed work would be on the lot line.

Mr. Bear asked how runoff would be diverted to the proposed retention swale, and Mr. Cavanaro answered that the lot will be sloped toward the swale.

Mr. Wadsworth invited comments from the consulting engineer, Mr. Mark Nelson of Horsley Witten. Mr. Nelson noted that most of his comments were outlined in his letter of April 19, 2011, highlighting as follows:

- It appears that the proposed layout of the lot is configured so that runoff would bypass pre-treatment at the grass swale and instead go directly to the bioretention rain garden. It is recommended to grade the parking lot slightly to better utilize the swale.
- A test pit is recommended near the bioretention area.
- Traffic flow could be improved by pushing the parking lot further into the property; however since this would require further cutting and would bring the parking lot closer to the abutting neighbor's property, direction is requested from the Board.
- An existing hedge along Mattakeeset Court provides a good buffer but provides sight line issues. Cutting the hedge back will alleviate this issue.

Mr. Nelson also noted that DRT members commented that although the proposed parking lot would help alleviate parking issues at the town harbor, it appears that there is only room for one car to be stacked up at the exit of the proposed parking lot and Mattakeeset Court. It is recommended that the applicants consider a design that would allow at least two cars to stack up in order to minimize traffic issues during the busy summer months. Mr. Broadrick pointed out that at the DRT meeting Harbormaster officials expressed the need for a parking management plan for this area.

Mr. Broadrick asked if the applicants would consider regrading the subcatchment area to go from west to east in order to allow stormwater to flow to the swales. Mr. Cavanaro agreed to look into it. Mr. Bear expressed concern that with water flowing from north to south on the site it would be difficult to change the flow from its natural course.

Mr. Bear asked about proposed changes to the interior layout of the existing dwelling, and Mr. Salmela of the Duxbury Yacht Club responded that the rooms will not be substantially changed in order to maintain the building's historic integrity. The rooms in the building will be primarily used for meetings at night year-round. The club has become a full-time enterprise where it used to be active only during the summertime. Mr. Wadsworth asked if the rooms will be used as sleeping quarters, and Mr. Stewart Rose of the Duxbury Yacht Club responded that although that is an option it is not their intent.

Mr. Wadsworth directed staff to prepare a draft decision for the next available Board meeting.

**MOTION:** Ms. Turcotte made a motion, and Mr. Cutler provided a second, to continue the public meeting for Administrative Site Plan Review of 489 Washington Street / Duxbury Yacht Club to Monday, May 9, 2011 at 7:15 PM, with a decision to be drafted for approval.

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

#### **ZBA REFERRAL: 489 WASHINGTON STREET / DUXBURY YACHT CLUB, INC.**

Mr. Wadsworth pointed out that along with the Administrative Site Plan Review with the Planning Board, the applicants are also applying for a special permit with the Zoning Board of Appeals (ZBA) for use of a dwelling as a private club in the Residential Compatibility District.

**MOTION:** Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit for 489 Washington Street / Duxbury Yacht Club, noting that the application is currently undergoing Administrative Site Plan Review.

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

#### **ZBA REFERRAL: 12 BAY AVENUE / CALLAHAN**

Board members reviewed this special permit application to raze an existing garage and relocate a dwelling to be outside the Velocity Zone, and also to construct a new garage and an addition on the dwelling. This pre-existing nonconforming lot is located on the Duxbury/Marshfield line. Present for the discussion were the applicant, Mr. Steve Callahan, and his representative, Mr. Paul Brogna of Seacoast Engineering.

Mr. Broadrick asked Mr. Brogna if he could provide coverage calculations for the Duxbury portion of the lot. Mr. Brogna made a brief presentation of the project, concluding that according to Zoning Bylaws Section 401.9 (Basic Requirements for All Districts – Lots in Two Towns) square footages of both towns can be combined. The existing site coverage is 21.75% and the proposed site coverage would be 28.92%. Current building coverage is 17.21% and proposed is 19.96%.

Mr. Broadrick recommended that the Board alert the Zoning Board of Appeals of the increase in site coverage of the Duxbury portion of the lot. Board members reviewed ZBL Section 410.4 (Residential Compatibility District Intensity, Dimensional and Coverage Regulations) under definition of Coverage. Mr. Broadrick recommended that the Board let the ZBA decide how they want to interpret coverage calculations.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Cutler provided a second, to defer judgment to the Zoning Board of Appeals regarding this special permit application, noting Zoning Bylaws Section 401.9 (Lots in Two Towns) and Section 410.4 (Residential Compatibility District Intensity, Dimensional and Coverage Regulations), definition of Coverage, should be considered, and also noting that the building coverage is proposed to increase by 462 square feet on a pre-existing nonconforming lot of 16,800 square feet.

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

### **ZBA REFERRAL: 2 INGALL'S GROVE / MC CRYSTAL**

Present for the discussion regarding this special permit application to construct a new residential pier was Mr. Paul Brogna of Seacoast Engineering. Mr. Brogna made a brief presentation, noting that the proposed pier is 120 feet in length. An Order of Conditions is also under review with the Conservation Commission. The pier has a four-foot wide walkway and twenty foot gangway. Mr. Wadsworth confirmed with Mr. Brogna that the pier is located outside a no-cut easement on the property. Mr. Cutler noted that it is not a shared pier.

**MOTION:** Mr. Cutler made a motion, and Ms. Turcotte provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit application for 2 Ingall's Grove / McCrystal.

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

### **ZBA REFERRAL: 33 RIVER LANE / MICHAUD FAMILY TRUST**

Present for the discussion regarding this special permit application to rebuild an existing residential pier was Mr. Paul Brogna of Seacoast Engineering. Mr. Brogna informed the Board that the pier has already been rebuilt; however, the license and permits were never recorded. No work is proposed. Board members reviewed the special permit application which indicated that the pier was to be repaired and rebuilt, and also referenced Zoning Bylaw sections that do not apply to the actual intent of the special permit.

**MOTION:** Mr. Cutler made a motion, and Ms. Turcotte provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit at 33 River Lane / Michaud Family Trust, noting that the applicant's intent is actually to obtain a licensing permit, and that added notations to repair and rebuild the pier, and added references of Zoning Bylaws 404, 404.6 and 404.30 should not be considered as they are irrelevant to the intent of the application.

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

### **OTHER BUSINESS**

#### Engineering Invoice:

**MOTION:** Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to approve Amory Engineers invoice #13433 dated April 5, 2011 in the amount of \$670.00 for services related to Elm Street / Tower Resource Management.

**VOTE:** The motion carried unanimously, 7-0.

### **ADJOURNMENT**

The Planning Board meeting adjourned at 9:30 PM. The next Planning Board meeting will take place on Monday, May 9, 2011 at 7:00 PM at Town Hall, Small Conference Room, lower level.

TOWN CLERK  
11 MAY 24 11:27  
DUXBURY MASS.