



Town of Duxbury Massachusetts Planning Board

Approved 07/09/12

TOWN CLERK
12 JUL 23 AM 10:56
DUXBURY, MASS.

Minutes 05/21/12

The Planning Board met at the Duxbury Senior Center (Ellison Room), 10 Mayflower Street, on Monday, May 21, 2012 at 7:00 PM.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; Cynthia Ladd Fiorini, Clerk; Josh Cutler and Jennifer Turcotte.

Absent: John Bear and Scott Casagrande.

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

Mr. Wadsworth called the meeting to order at 7:00 PM.

OPEN FORUM

Litter Committee: Mr. Glennon reported that this private group hosted a litter sweep on May 5, 2012, run by Mr. Paul Mabey and Ms. Mary Gazzola. A total of 140 bags of trash were collected by 55 volunteers, a better turnout than last year. The group is organizing another litter sweep on October 6, 2012 and more information can be found on their web site, duxburylittersweep.org.

Open Space Committee: Mr. Glennon reported that this town committee sponsored its annual scavenger hunt last weekend, with a light turnout.

Old Colony Planning Council (OCPC): Mr. Cutler noted that he attended a recent OCPC annual meeting although the Town of Duxbury does not become a member until July. He reported that the OCPC officers are excited at the prospect of working with Duxbury. Mr. Broadrick noted that Mr. Lee Hartman, OCPC Treasurer and Plymouth Planning Director, has extended an offer to attend a future joint meeting with anyone the town feels should be included, such as the Planning Board, the Board of Selectmen, and Town Manager. The purpose of this meeting would be to learn more about what the OCPC has to offer the town.

ANR PLAN OF LAND: 28 SUNSET ROAD & 584 WASHINGTON STREET / QUIGLEY & CURRAN

Present for the discussion were Mr. Peter Quigley of 28 Sunset Road and Ms. Maria Curran of 584 Washington Street. Mr. Broadrick explained that this is a simple land conveyance that would allow Mr. Quigley (Lot 2) to obtain 3,500 square feet of land from Ms. Curran's property (Lot 1). Mr. Quigley stated that the purpose of the ANR plan is to clear up brush and trees that are currently blocking morning sunlight. There will also be an area of land that will be set aside as an easement for use of a strip of land on Lot 1 by the owner of Lot 2. Mr. Broadrick noted that this ANR plan will increase area and frontage to Lot 2 which is nonconforming.

Mr. Glennon asked about the purpose of a circle drawn on Lot 1 on the ANR plan, and Ms. Turcotte responded that Zoning Bylaws require a 150 square-foot diameter circle on each buildable lot.

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

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.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to approve a Plan of Land entitled, "Plan of Land, 28 Sunset Road & 584 Washington Street, Duxbury, Mass.," dated December 15, 2011, latest revision May 1, 2012, stamped and signed by Thomas John Sullivan, RLS of Millbrook Survey, Marshfield, MA, as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 5-0.

Planning Board members signed the mylar and two paper copies of the ANR plan, and Ms. Curran took the mylar with her for recording at the Plymouth County Registry of Deeds.

ADMINISTRATIVE SITE PLAN REVIEW: CO-LOCATED SCHOOL BUILDING PROJECT, 71 ALDEN STREET & 130 SAINT GEORGE STREET / TOWN OF DUXBURY

Present for the discussion were members of the project team: Ms. Elizabeth Lewis, chairman of the School Building Committee; Mr. Lee Keller of KV Associates in Boston; Mr. Dennis Daley of Mount Vernon Group of Wakefield, MA; Mr. William Maher of Nitsch Engineering in Boston; and Mr. David Lewek, the on-site owner's project manager representing KV Associates. Also present were approximately 25 members of the public. Mr. Wadsworth welcomed the presenting team and thanked them for attending this informal Administrative Site Plan Review.

Mr. Lewek noted that the number one priority for this project is safety. During construction their goal is to stay off Saint George Street if possible. A temporary gravel road will be built with access from Alden Street behind the Duxbury Free Library. Contractors would park on an existing softball field. Construction will begin as soon as school gets out for the summer. He noted that they have a Notice of Intent and Orders of Condition from the Conservation Commission for this phase of project construction. Construction of the foundation will begin by September and it is anticipated that the 322,500 square-foot school building will be a two-year construction project.

Concurrent with the school building project will be the construction of a new field house on the site of the existing high school on Saint George Street. For safety purposes, construction working hours will be 7:00 AM to 3:30 PM and deliveries will be restricted to 9:00 AM to 2:00 PM so as to not interfere with bus traffic. Mr. Glennon asked if work will extend to Lover's Lane, and Mr. Lewek responded that it will be used as access for approximately 40 teacher parking spaces during field house construction.

Ms. Ladd Fiorini confirmed with Mr. Lewek that temporary parking during field house construction will be provided to the front and west side of the existing high school in order to maintain at least the current level of parking capacity. She also confirmed that some trees will be removed on the west side in order to provide this parking area.

Ms. Patricia Cleary of 66 Cove Street asked about the location of the temporary teacher parking area, and Mr. Lewek replied that it will be located off Lovers Lane. Ms. Cleary stated that Lovers Lane is essentially a cow path surrounded by huge pine trees. She stated that she lives on the corner of Lovers Lane and Cove Street and noted that it is already a congested road. Mr. Lewek stated that he was the project manager for the waste treatment facility behind the high school and is familiar with Lovers Lane. He noted that the access will be restricted to teachers only. Ms. Cleary asked if trees will be removed on Lover's Lane, and Mr. Lewek responded that no tree cutting will be required because there is an existing path to the school.

Ms. Cleary expressed concern that her children will be walking to school at the same time as teachers are arriving. Mr. Cutler asked if a crossing guard could be placed near Lovers Lane, and Ms. Lewis replied that a crossing guard is currently stationed near there at the entrance to the existing middle school.

Mr. Wadsworth asked when the field house project will begin construction, and Mr. Lewek replied that it will begin the day after the football season ends and is projected to finish by the end of next summer. Demolition of the high school will be the last thing done. The work load will be heavy during school breaks.

Ms. Laura Carleton of 91 Lovers Lane stated that she lives directly across from where the proposed temporary teacher parking would be located, and asked if the parking area could be moved. Mr. Lewek replied that the project team may reconsider based on input at tonight's meeting.

Ms. Lorrie Hall of 175 Abrams Hill recommended one-way traffic on Saint George Street.

Ms. Kathy Palmer of 190 Powder Point Avenue stated that she sees children walk and bike to school and there are no sidewalks or bike paths.

Mr. Allen Carleton of 91 Lovers Lane stated that he is concerned that trees be protected and wants no cutting. Mr. Lewek assured him that there is zero consideration for tree cutting on Lovers Lane.

Ms. Amy Annis of 51 Cedar Street asked if the project team had considered using an existing access to the east of the existing high school for temporary teacher parking, noting that she is concerned about the safety of her child walking to school. Mr. Lewek stated that he heard loud and clear that residents do not want to change the number of student parking permits, so it is a balancing act of providing teacher and student parking. He emphasized that only teachers would be parking via the Lovers Lane access.

Mr. Glennon asked if there would be an issue with the access proposed by Ms. Annis, and Ms. Lewis responded that there would be grading issues because a pump station for the septic system is located near that access. Access via the west side of the high school would be blocked off by construction.

Ms. Palmer proposed that students not be allowed to drive to school during construction. Ms. Lewis responded that high school students need to get to jobs and sports after school and often parents are not available to take them. Mr. John Palmer of 10 Powder Point Avenue noted that buses are available to transport students. Residents asked about various temporary parking plans, and Mr. Lewek responded that the high school principal does not want to change parking mid-year.

Ms. Lisa Grace of 42 Cove Street asked if there will be any changes to bus routes during construction, and Ms. Lewis replied that the only change will be that high school students will be dropped off at the middle school. No other traffic is to be altered.

Mr. Broadrick asked about the type of equipment that would be on-site on a daily basis, and Mr. Lewek responded that there will be daily material deliveries, and steel would be delivered during off-hours. Once the roof is constructed on the co-located school there will be no construction equipment. Mr. Wadsworth asked about mud tracking mitigation on public roads, and Mr. Lewek responded that a splash area will be located next to the tennis court on Alden Street, and the project team will consider adding a splash area at the high school site especially in the early phases of construction. Mr. Wadsworth requested that the construction team be sensitive to keeping Saint George Street clean. Mr. Broadrick asked if debris from the demolition of the existing middle school will be removed via the tennis court access, and Mr. Lewek responded that the hauling of debris is expected to take place during the summer.

Mr. Cutler asked if access will be available to the Performing Arts Center during school construction, and Mr. Keller replied that during construction there will be no access to the back of the site.

Mr. William Maher of Nitsch Engineering presented the existing site details, including utilities and stormwater management. He demonstrated using an existing conditions plan how runoff travels on the site. Runoff at the back of the existing high school site moves northeast toward the Back River. Runoff at the front of the high school building crosses Saint George Street toward the middle school, then continues to a discharge area behind the Performing Arts Center. There is a water loop system around the school. Sewage from the library and schools goes through a gravity system leading to a forced flow system at the pump station and crosses Saint George Street to the wastewater treatment system behind the existing high school.

Mr. Maher noted that the project has received Orders of Condition from the Conservation Commission for work within the buffer zone.

Mr. Maher then showed a proposed conditions plan which shows the proposed field house to be constructed on the northwest corner behind the existing high school, which is to be demolished. An athletic field will be constructed on the site of the current high school. Drainage will improve stormwater treatment with all new catch basins. New lines will be relocated for all utilities: water, gas and drainage, but all will remain functional during construction. Bioretention basins and trenches will be installed in order to provide better pre-treatment of runoff.

Mr. Maher showed a proposed conditions plan for the new co-located middle school/high school. Best Management Practices will be utilized in order to promote improved water quality and pre-treatment of runoff. Bioretention basins will be utilized at this site as well and will be planted with vegetation. Drainage will still flow the same direction as it currently does. The water main will loop around the building, a plan that has been approved by the Fire Chief. Sprinklers will be installed inside the building.

Stormwater management on the site during construction will utilize hay bales, silt sacks and scuppers to catch runoff. These will be inspected after major storms.

Mr. Wadsworth praised the idea of moving stormwater into grassy swales. He asked if stormwater is being moved across Saint George Street from the field house. He recommended the project team consider sloping the parking lots into retention basins at both sites, and also the ground around the front of the co-located school building. Mr. Maher explained that overflows from basins will move from the field house site across Saint George Street. Some low impact design (LID) measures were utilized but there are curb cuts on the street. Mr. Wadsworth urged the project team to work with Horsley Witten, Conservation Commission consultants, to design a way to keep water from travelling over to the co-located school site rather than using pipes.

Mr. Broadrick noted that he had reviewed the latest set of plans and LID methods are being utilized and provide much better drainage than earlier plans indicated. He asked if all drainage from the football field would still move toward the marsh, and Mr. Maher replied that it will.

Mr. Broadrick asked why plans show a box culvert going underneath the proposed co-located school building, and Mr. Maher responded that otherwise the pipes would not make it around the school. The box culvert would be located underneath the north side of the building, with a large manhole for access and an oversized culvert for plenty of access room.

A new paved roadway will be built around the back of the library and Performing Arts Center for construction vehicles. Ms. Ladd Fiorini asked if this construction would require any tree clearing and Mr. Keller replied that it would not. Parent drop-off of students will be restricted to the existing roadway behind those buildings, and this set-up will continue once the co-located building is in operation.

Mr. Broadrick asked about the new circulation plan, and Ms. Lewis responded that parents will drop off students in the back of the building, and buses would have a loading area in front of the building during drop-off times. Mr. Broadrick asked if a parking area behind the Wright Building would be accessed only through the Percy Walker Pool entrances, and Ms. Lewis responded that the lot would be only for teacher parking and emergency access. Mr. Glennon cautioned the project team to make sure that access would not be used other than for the intended purposes.

Mr. Glennon noted an article in the *Duxbury Clipper* in April regarding lacrosse players being affected by marsh gas on the existing turf field behind the high school, and asked if that problem had been looked at. Mr. Maher stated that he was unaware of this issue, and Ms. Lewis responded that it is above the project's limit of work.

Mr. Carl Carlson of 17 Lovers Lane asked about the tide level to the marsh, noting that hurricanes can result in an additional nine feet of additional tide. He stated that the marsh behind the existing high school gets a three-foot tide during a full moon and is one foot above sea level. Ms. Lewis responded that the floodplain elevation is 10 feet and the parking is at a 15-foot elevation, well above a nine-foot surge.

Mr. Wadsworth asked about the parking, and Mr. Daley provided a broad overview, stating that the goal is to replicate the same number of parking spaces as currently available. He noted that the plaza is an important point of entry for the schools and it incorporates an improved point of entry for the Performing Arts Center as well. Mr. Glennon noted an error on the parking plan, and Mr. Daley responded that parking is being re-analyzed at this time and will be better defined as the project moves forward. Mr. Glennon advised that students may need parking spaces larger than the 8.5 x 18.5 areas defined on current plans.

Mr. Daley reported from the traffic study that the existing high school parking lot is at 84 percent capacity during a typical school day, and the middle school lot is at 61 percent capacity. Mr. Wadsworth noted that the traffic study only analyzed one day's data, and Mr. Daley added that he periodically does his own counting that confirms similar numbers.

Mr. Glennon asked if there is parking available for parents to pick up children from the nurse's office, and Mr. Daley replied that the nurses' office has been located to an area that is convenient to pick up sick children, and is also located for convenient drop-off and pick-up of students from the Pilgrim Area Collaborative.

Mr. Glennon asked about special parking accommodations, and Ms. Lewis noted that spaces are provided for high efficiency hybrid automobiles or carpool vans. Mr. Broadrick asked if charging stations are included in the plans, and Ms. Lewis responded that they are not but perhaps the town could install them at a later date. Ms. Annis of Cedar Street asked if "green" parking was located closer to the building and Mr. Daley replied that it is. Mr. Glennon asked if bicycle racks are incorporated into plans, and Mr. Daley responded that they are located behind a landscaped area and they have tried to maximize the number of bicycles.

Mr. Wadsworth asked about traffic on the finished site, and Mr. Daley explained that buses will travel one way in front of Alden School to the co-located middle/high school. A two-way parent drop-off lane will be located behind the schools, and also a limited number of visitor parking spaces. Ms. Ladd Fiorini asked about traffic around the new field house, and Mr. Daley stated that it will be one-way traffic to the right of the field house.

Mr. Glennon asked about signage, and Mr. Daley responded that although the signs are still under design, they anticipate some electronics. Their intent is to incorporate class gifts into the design.

Mr. Wadsworth thanked the School Building Committee and project team for their presentation and indicated that an informal Administrative Site Plan Review report will be provided to Ms. Lewis.

PERFORMANCE BOND AND ESCROW ACCOUNT RELEASE: BAY FARM TRUST

Mr. Broadrick explained that the original project was constructed during his earlier tenure as Planning Director, between 1993 and 2002, and he met regularly with the project developer, Mr. A.J. Duffy. During that time a performance bond was retained by the Planning Board for completion of Tussock Brook Road. Mr. Duffy passed away and no one followed up on the return of funds after the roadway was completed. Mr. Broadrick noted that he has inspected the roadway and there are no outstanding issues. Mr. Glennon confirmed that there are no issues with release of funds to Bay Farm Trust, and Mr. Broadrick stated that the check is being issued to the Homeowners' Association that posted the funds initially. A new property manager has requested the return of funds on behalf of the association.

MOTION: Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to release performance bond in the amount of \$31,784.97 plus interest, and also escrow account funds in the amount of \$619.36 plus interest to Bay Farm Trust for completion of Tussock Brook Road.

VOTE: The motion carried unanimously, 5-0.

ZONING / SUBDIVISION ENFORCEMENT ISSUES***Hounds Ditch Lane Tree Clearing:***

Mr. Wadsworth noted that woodland clearing in excess of 30,000 square feet took place at 16 Hounds Ditch Lane, and after the infraction Mr. Scott Lambiase, Zoning Enforcement Officer, issued a Cease and Desist order on March 5, 2012 requiring that the property owners file for a special permit through the Planning Board. Although the owners' consultant, South Shore Survey of Kingston, has contacted the Planning Office, no special permit has been filed to date.

Mr. Broadrick reported that the property owners are in violation of Zoning Bylaws and should be fined as directed in Mr. Lambiase's letter to the property owner. Mr. Broadrick recommended that the Planning Board write a letter to Mr. Lambiase requesting his immediate attention to resolve this violation by a date certain.

Ms. Courtney Jordan of 8 Hounds Ditch Lane stated that she and her husband returned home from a vacation only to find out that this extensive clearing had occurred. Soon after she was at Town Hall for other business when Mr. Peter Buttkus, Director of Public Works, advised her that the excess clearing appeared to be a violation of Zoning Bylaws and suggested that she speak with Mr. Lambiase. When she spoke to Mr. Lambiase, he advised her that it is his policy not to pursue a violation unless someone complains.

Mr. Gregg Jordan of 8 Hounds Ditch Lane reported that Mr. Lambiase had sent a second letter to the homeowners at 16 Hounds Ditch Lane on March 28, 2012 lifting the Cease and Desist order and advising the property owners that they could continue with landscaping at their own peril. Mr. Jordan submitted a copy of the letter to the Planning Board, and Planning staff noted that they were unaware of this letter until now. Mr. Jordan stated that things are happening seemingly outside the limits of Zoning Bylaws. He called Mr. Lambiase to ask about this, and was told by Mr. Lambiase that he had decided to allow the landscaping to proceed because the Planning Board is likely to approve the special permit. Mr. Jordan stated that his property is affected by the land clearing because he used to have woods in his backyard and now he does not. He stated that he lives in the oldest house in the town of Duxbury and he has been very careful over the years to maintain the original character of his property. After reviewing Zoning Bylaws he is shocked that such a violation is going on without any enforcement. Mr. Jordan stated that he is angry that this has happened and that the Zoning Enforcement officer does not have the authority to lift a Cease and Desist order for an offense that clearly violated Zoning Bylaws.

Mr. Jordan stated that he is weighing two options: to landscape his own backyard or to sue the town for "trampling" his rights. He stated that Zoning Bylaws clearly state that the Planning Board has jurisdiction for land clearing special permits, and expressed frustration that they have no authority to enforce outside the special permitting process.

Mr. Wadsworth stated that he is meeting with Mr. Richard MacDonald, Town Manager, next week, and can bring up this topic. Mr. Glennon noted that according to Zoning Bylaws Section 911.1, Mr. Lambiasi has several enforcement options:

- Fine the violators \$50 per day for each day up to the Cease and Desist order and \$200 per day after that until the special permit is filed
- Fine the contractor who performed the work.

Mr. Wadsworth suggested that a process be established to obtain the desired result in a non-threatening way. Mr. Cutler agreed with Mr. Glennon that a letter should be sent immediately to Mr. Lambiasi. Mr. Glennon noted that this is a high-profile site and if the town did nothing it might send a message to other property owners and contractors. Ms. Turcotte agreed, noting that the situation seems clear that the property owners were supposed to file for a special permit and over two months later still have not. The tree company is also at fault because they know the rules; ignorance is no excuse. Mr. Wadsworth concluded that he still believes that he should confer with the Town Manager first, and then if the situation is not resolved the Board can write a letter. Mr. Cutler stated that the Planning Board has a duty to ensure that Zoning Bylaws are not being violated. Mr. Wadsworth offered to draft a letter, and Mr. Glennon requested to be part of that process.

Ms. Lorrie Hall of 175 Abrams Hill stated that she is upset that there is no enforcement. The Planning Board needs to take action. She stated that the property owner knew there was a zoning violation and did nothing. In addition Mr. Phillips, the landscaping contractor who cleared the area, also knew what he was doing and kept doing it in violation of Zoning Bylaws.

MOTION: Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, for the Planning Board to write a letter to the Zoning Enforcement Officer requesting zoning enforcement for 16 Hounds Ditch Lane.

VOTE: The motion carried unanimously, 5-0.

Sprague Farm Lane Subdivision:

Mr. Wadsworth noted that this subdivision was approved in 1999, and Mr. Broadrick stated that he was Planning Director at that time. He recalled that the Planning Board at the time recognized that two dwellings cannot be located on one lot and noted on the approved definitive subdivision plan that the second dwelling is to be "abandoned." Mr. Broadrick stated that he understands that people are living there currently. When a building permit was filed recently for renovations to the primary dwelling, the secondary dwelling was depicted on plans as a "guest house."

Mr. Wadsworth offered to speak with the Town Manager about this situation because the Planning Board is limited in its authority in this case. Mr. Cutler stated that this violation is not as clear-cut as the land clearing infraction. He suggested that Mr. Broadrick put a note on the Certificate of Occupancy that the guest house is "not to be used as a dwelling." Mr. Glennon suggested that the Zoning Enforcement Officer should be reminded of the subdivision approval, specifically condition 6 which notes that the dwelling is to be abandoned, and he could request that the stove be removed and order that it cannot be used as a dwelling.

CENSUS

Mr. Wadsworth distributed copies of two bar charts he had prepared on population changes in Duxbury from 1940 to 2010 compared to other abutting towns and another chart that compares Duxbury to Plymouth County in general.

OTHER BUSINESSMeeting Minutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve meeting minutes of April 9, 2012 as amended.

VOTE: The motion carried unanimously, 5-0.

ADJOURNMENT

The Planning Board meeting adjourned at 10:02 PM. The next Planning Board meeting will take place on Monday, June 11, 2012 at 7:00 PM at Duxbury Town Hall.

MATERIALS REVIEWED**ANR PLAN OF LAND: 28 SUNSET ROAD & 584 WASHINGTON STREET / QUIGLEY & CURRAN**

- ANR application and plan submitted on 05/04/12
- GIS map, Assessor's property card and Pictometry orthophoto

ADMINISTRATIVE SITE PLAN REVIEW: CO-LOCATED SCHOOL BUILDING PROJECT

- GIS map, Assessor's property cards, and Pictometry orthophotos
- Project narrative submitted by applicants 04/09/12

PERFORMANCE BOND AND ESCROW ACCOUNT RELEASE: BAY FARM TRUST

- Letter from applicant dated 02/27/12

ZONING / SUBDIVISION ENFORCEMENT ISSUES

- Hounds Ditch Lane correspondence
- Sprague Farm Lane subdivision plan approved 1999

OTHER BUSINESS

- Meeting minutes of 04/09/12
- Duxbury #14 on Coastal Living Ranking
- Fourth of July 2012 Festivities (*from DRT*)
- Construction Cost Estimates for April 2012
- PB Contact List

ITEMS SUBMITTED AT MEETING

- Public meeting notice for co-located school building project
- "Duxbury Co-Located Middle/High School Construction Phasing / Logistics Narrative" dated 05/17/12, submitted by E. Lewis
- Excerpt from "Duxbury Middle/High School Reconstruction, Duxbury, MA, Traffic Impact Study," by Nitsch Engineering dated November 2011, submitted to Planning Office on 04/09/12
- Email from E. Lewis to T. Broadrick dated 05/18/12 re: Contractor use of Pine Hill Avenue for school project
- Email from E. Lewis to T. Broadrick dated 05/21/12 re: No contractor use of Pine Hill Avenue for school construction deliveries
- "Population Change Comparison" bar charts (2) submitted by G. Wadsworth

TOWN CLERK
12 JUL 23 AM 10:57
DUXBURY, MASS.