



Town of Duxbury Massachusetts Planning Board

Approved 09/23/2013

TOWN CLERK
13 SEP 24 PM 12:28
DUXBURY, MASS.

Minutes 08/26/13

The Planning Board met on Monday, August 26, 2013 at 7:00 PM at Duxbury Town Hall, Small Conference Room.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Scott Casagrande, and David Uitti.

Absent: Jennifer Turcotte.

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

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

OPEN FORUM

Planning Board Meeting Schedule: Mr. Broadrick reported that there are no agenda items currently for the September 9, 2013 Planning Board meeting. Mr. Wadsworth stated that if no applications or other business comes up, the meeting should be cancelled.

Zoning Bylaw Review Committee (ZBRC): Mr. Wadsworth reported that the ZBRC is in discussions with Town Counsel's office as a potential consultant for re-writing Zoning Bylaws for consistency and clarity. Mr. Wadsworth and Mr. Casagrande serve on the ZBRC. Mr. Wadsworth stated that the ZBRC has identified the Administrative Site Plan Review (ASPR) bylaw as one that needs a complete re-write. Mr. Casagrande added that it needs to be re-written to improve the timeline coordination between boards. Mr. Broadrick suggested that one way to resolve that issue is to appoint the Planning Board as special permit granting authority for use permits rather than the applicant going separately to the Planning Board for ASPR and the Zoning Board of Appeals for the special permit for use.

Mr. Wadsworth noted that the ZBRC is also interested in addressing special permits for pre-existing nonconforming properties so that the process is easier to understand. Mr. Casagrande added that there would be no policy changes. Mr. Broadrick asked if Town Counsel understands that no policy changes are to be addressed, and both responded, "Yes".

Mr. Casagrande noted that Town Counsel can be hired without going through the bidding process. Horsley-Witten would provide consulting services for planning topics. Mr. Glennon asked if Town Counsel's office has experience with this type of project, and Mr. Casagrande confirmed that Ms. Judith Barrett, ZBRC chairman, has worked with Town Counsel's office on a similar project in another town. Mr. Wadsworth stated that any other potential Zoning Bylaw amendments should be placed on hold until the re-write is completed.

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.

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ADMINISTRATIVE SITE PLAN REVIEW: PARKING LOT AT 23 HOWLAND'S LANDING (FORMER BLAIRHAVEN RETREAT) / TOWN OF DUXBURY

Ms. Ladd Fiorini read the public meeting notice. Present for the discussion were Mr. Patrick Brennan of Amory Engineers and approximately eight members of the public. Mr. Wadsworth asked Mr. Brennan to present the application.

Mr. Brennan stated that he has been working with Mr. Joseph Grady, Conservation Administrator, and Mr. Peter Buttkus, Department of Public Works (DPW) Director, for over a year now on parking lot plans. The property is on a coastal bank, and two former structures plus a garage have been demolished. The site is now a grassed area with trees scattered throughout. Phase I of the proposed parking lot would construct 14 parking spaces using an existing curb cut and driveway. An existing gate would be locked at night. The parking lot would be open from dawn to dusk. The property overlooks Kingston Bay and there is a 100-foot buffer to the coastal bank. All proposed work is outside the buffer zone. The proponents want to see how much use the parking lot gets before adding 10 more parking spaces during Phase II. Three trees would be removed during Phase I and an additional seven trees would be removed during Phase II.

A grass berm would be installed downhill from the parking lot in order to catch water. Drainage calculations were based on existing conditions. The site is less impervious than the previously existing site. The proposed drainage reduces runoff which is mitigated by a grass swale.

Mr. Glennon stated that he understands that parking is required but asked why it is located so far into the site. Mr. Brennan responded that the parking lot was designed by the Blairhaven Committee, a 15-member group appointed by the Board of Selectmen. They determined that the proposed site is the best place for viewing the bay. Moving the parking lot closer to Howland's Landing would not be ideal for viewing. Mr. Glennon asked if the goal is to enjoy the view and Mr. Brennan responded that the goal is to access the view, not for boat access.

Mr. Glennon asked if handicap parking is proposed, and Mr. Brennan responded that it is proposed for Phase II. Mr. Casagrande asked if it could be done during Phase I, and Mr. Brennan replied that it could be done without losing more trees. Mr. Glennon noted that unless a person is handicapped they can walk out to view the scenic bay. Currently those who would have the greatest need do not have a designated parking space.

Mr. Brennan noted that the property is sloped at a six percent incline which is not ADA-compliant. In order to flatten the slope to meet ADA compliance at a two percent slope, it would require extensive excavating which would destroy more vegetation. Existing conditions are up to a 10-15 percent slope.

Mr. Wadsworth asked if barrier fencing is proposed at the downhill slope on the front of the parking lot, and Mr. Brennan replied that a low wooden guardrail is proposed for the front, and additional fencing around the perimeter is proposed.

Mr. Broadrick noted that the site is sloped so that if you park in the back row you can see over the vehicles parked in the front row. Mr. Wadsworth recommended that the handicap space should be designated in the most favorable location. Mr. Brennan showed on the current plan that the handicap space would be placed at the innermost space on the Phase I lot. Mr. Wadsworth asked if the handicap space would be van accessible, and Mr. Brennan replied that they could make it van accessible with a 16-foot width. Ms. Ladd Fiorini asked if the six percent slope would pose a difficulty for wheelchair access, and Mr. Brennan responded that there is no need to leave the vehicle to enjoy the view. Mr. Casagrande asked if a pathway or sidewalk is proposed, and Mr. Brennan replied that only the parking lot is proposed.

Mr. Glennon asked if the parking lot would be open in the winter, and Mr. Brennan replied that the DPW Department will plow the parking lot. Mr. Broadrick noted that no salt will be used. Mr. Glennon asked about snow storage, and Mr. Brennan replied that snow will be plowed directly in, not down into the swale.

Mr. Wadsworth stated that he cannot determine the design of the swale by looking at the current plans. Mr. Brennan responded that the swale is designed to capture up to a 100-year storm. Drainage summary results were submitted with the application. The volume of runoff is reduced significantly in every case except a ten-year storm. Drainage calculations for Phase II are actually the same because the only runoff post-development would be a small area on the driveway. Mr. Brennan stated that the entire swale could be constructed during Phase I without losing more trees.

Mr. Wadsworth summarized that he would like to see an amended plan that shows the swale construction, the guard rail, the van-accessible parking space, the additional perimeter fencing, and the entrance gate.

Mr. Glennon asked if signage is proposed, and Mr. Brennan responded that he is sure there will be. He offered to add it to the plan. Ms. Ladd Fiorini asked if there will be a restriction as to whether or not boaters can park there, and Mr. Broadrick noted that it would be difficult to enforce.

Mr. Glennon asked if consideration was given to moving Phase II construction closer to the street in order to accommodate non-viewers such as boaters. Mr. Joe Jannetty of 10 Howland's Landing stated that he is an abutter to the property and he also served on the Blairhaven Committee. The intent was to provide space for scenic viewing, not boating. Rules and Regulations were developed that limit the time a vehicle can park in the space. Ms. Ladd Fiorini also asked about Phase II construction closer to the road, and Mr. Wadsworth noted that a lot of work was done by the committee in order to site the parking lot and he does not want to influence that process.

Mr. Glennon stated that he would like to encourage people to get out of their vehicles to enjoy the site and therefore would like to see the parking lot constructed closer to the road. Mr. Brennan stated that there is a steep slope closer to the road that would present grading issues.

Mr. Casagrande and Mr. Wadsworth both expressed concern that boaters might use the parking lot to store boat trailers. Mr. Brennan stated that he could extend the asphalt slightly so that vehicles park only on asphalt and not grass. Mr. Glennon asked what is to prevent someone from parking on the grass, and Mr. Brennan responded that there is a steep slope but boulders could be installed to prevent it.

Mr. Glennon asked when the parking lot would be constructed and Mr. Brennan responded that it would require Town Meeting approval. Mr. Jannetty noted that funds need to be re-allocated.

Ms. Lorrie Hall of 175 Abrams Hill asked if there was any effort to limit parking to residents only. She stated that she would hate to see the beautiful property ruined for the sake of out-of-towners. Mr. Jannetty responded that the landing would be separate from the park. Parking on the street is currently not a problem. Mr. Glennon asked what would happen if someone parked a boat trailer on the 24-foot wide driveway entrance to the parking lot, and Mr. Jannetty responded that it had been a concern of the Blairhaven Committee but illegal parking is enforceable.

Mr. Glennon asked who the project proponent is, and Mr. Jannetty responded that it is the Community Preservation Committee. Mr. Brennan noted that his contact is the Conservation Administrator. An unnamed resident stated that she goes there frequently and there is no problem finding a parking space currently. Mr. Jannetty agreed that the current parking along the street fills up only rarely.

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Ms. Hall asked why not put up a sign that says "Residents Only." She also questioned why the parking lot should be built in the first place. Mr. Wadsworth noted that signage could provide some guidelines, and Mr. Jannetty noted that there are Rules and Regulations. Mr. Bear suggested that any verbiage on signs should be decided by the Blairhaven Committee.

Ms. Kathryn Cross of 94 Bay View Road, a member of the Open Space Committee, asked if the parking lot location cannot be changed, and Mr. Wadsworth responded that the work of siting the parking lot has been done by a 15-member committee. Ms. Cross asked if the parking lot surface will be asphalt, and Mr. Wadsworth responded that asphalt is needed in order to capture runoff. Ms. Cross noted that clam shells or gravel are aesthetically more pleasing. She stated that it is unfortunate that the parking lot is located in the middle of where people might like to take a walk.

Ms. Hall stated that a big shade tree at the gate will probably need to be removed, and taking away that tree takes away shade. Ms. Cross estimated that the tree must be 150 years old. Mr. Brennan noted that there is a 24-inch oak tree that will remain on the property because it will not interfere with the parking lot construction. The three trees proposed for removal are 12-16-inches in caliper.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to continue the public meeting for Administrative Site Plan Review of a parking lot at 23 Howland's Landing until September 23, 2013 at 7:05 PM.

VOTE: The motion carried unanimously, 6-0.

CERTIFICATION OF DEFINITIVE SUBDIVISION PLANS: MAC FARLANE FARMS, OFF HIGH STREET / MACFARLANE FARMS REALTY, LLC

Board members reviewed a letter dated August 20, 2013 from Atty. Tiffany Pawson of Schlossberg LLC in Braintree requesting certification that mylars recorded at the Registry of Deeds on August 1, 2013 are the same plans approved by the Planning Board on August 23, 2010 due to requirements of MGL Chapter 41, Section 81X.

Mr. Glennon stated that he is scratching his head over this request after reading statute 81X because there appears to be no relevance to signing the plans because the plans have been recorded. Mr. Broadrick noted that the Permit Extension Act allows the plans to be recorded after the usual two-year time limit. Mr. Uitti confirmed with Mr. Broadrick that the recorded plans have Planning Board signatures. Mr. Wadsworth asked if there would be any harm in granting the request, and Mr. Broadrick replied that there is no harm but no reason to do so.

MOTION: Glennon made a motion, and Ms. Ladd Fiorini provided a second, to respectfully decline a request made in a letter from Atty. Tiffany Pawson of Schlossberg LLC to certify plans for the MacFarlane Farms Definitive Subdivision off High Street because the plans have been recorded already.

VOTE: The motion carried unanimously, 6-0.

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DISCUSSION IN PREPARATION FOR COMMUNITY PRESERVATION COMMITTEE ANNUAL PUBLIC FORUM ON SEPTEMBER 11, 2013

Board members reviewed a memo from the Community Preservation Committee (CPC) inviting the Planning Board to attend the public forum and requesting input on the Planning Board's future plans, visions, and priorities that might involve CPC funding. Mr. Wadsworth noted that he cannot attend the public forum because he has another town commitment that night.

Mr. Bear noted that the starting point for this discussion is the Comprehensive Plan which was last updated in 1999. Mr. Broadrick noted that other documents provide pertinent information also, such as the 2007 Open Space Plan that clearly states how much land has been purchased and how much land that the town would like to acquire.

Ms. Ladd Fiorini, who serves as the Planning Board representative to the CPC, stated that the CPC would like boards and committees to consider future plans, not what has already been done. Mr. Bear, who previously served as chairman of the CPC, stated that the CPC is looking for a broader picture rather than specific projects. An example might be the impact of one-acre zoning or the effect of the recent practice of moving a Wetlands Protection Overlay District line in order to construct a dwelling on land that was previously assumed to be unbuildable.

Ms. Ladd Fiorini suggested that the board might consider its vision of the town as that we like it the way it is and we do not want to see a lot more build-out. Mr. Broadrick offered to highlight census data from the recently revised Planned Production Plan that is being updated by the Duxbury Affordable Housing Trust. Mr. Casagrande suggested that the board can base its future vision based on the recent development history which has slowed down.

Mr. Wadsworth encouraged board members to attend the public forum. Ms. Ladd Fiorini asked where one could find the board's future vision and Mr. Broadrick replied that it can be found in the Comprehensive Plan.

DISCUSSION OF POTENTIAL ZONING BYLAW AMENDMENT: STORMWATER / LAND CLEARING

Board members reviewed a Model Stormwater Bylaw drafted by Horsley Witten in 2004 and a Storm Water Management zoning bylaw adopted in the Town of Marshfield in 2010.

Mr. Broadrick noted that both the Town of Plymouth and the Town of Marshfield currently do site plan review of single-family lots, similar to what the Town of Duxbury does for lots within the Aquifer Protection Overlay District. The essence of the Marshfield stormwater bylaw is that stormwater is to be treated on site for each property. He offered to prepare a draft bylaw for Duxbury and noted that land clearing for over 30,000 square feet could be folded in to the stormwater bylaw rather than the current separate zoning bylaw. Mr. Broadrick noted that in Marshfield's stormwater bylaw, trees greater than six inches caliper could not be removed unless it provided a hardship. Review is done at the staff level and it would be tied with a building permit. He stated that this type of bylaw may not go over well in Duxbury. Board members asked Mr. Broadrick to find out from the Marshfield Planner, Mr. Paul Halkiotis, how the bylaw is working in Marshfield.

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DISCUSSION OF POTENTIAL ZONING BYLAW AMENDMENT: MEDICAL MARIJUANA MORATORIUM

Mr. Broadrick reported that the state is allowing an initial round of 1,500 permits for medical marijuana dispensaries in the Commonwealth of Massachusetts. At this point an applicant could put a dispensary in any town. He offered to look into a two-year moratorium so that the town could examine the issue and determine how to regulate these dispensaries.

Mr. Glennon noted that Plymouth County was the third highest in applications submitted for medical marijuana dispensaries, so it may be worth looking into. Mr. Broadrick offered to submit the medical marijuana moratorium wording used at Marshfield's Town Meeting to the Duxbury Town Counsel for review. If a moratorium passes it would last until 2016. Ms. Ladd Fiorini asked what the purpose of the moratorium would be, and Mr. Broadrick responded that it would allow time for the town to not allow dispensaries while they consider what could be done and possibly develop a zoning district. Ms. Ladd Fiorini agreed that it would be worthwhile to look into a zoning district.

UPDATE ON PLANNED PRODUCTION PLAN

Mr. Broadrick noted that this plan is being updated by the Duxbury Affordable Housing Trust (DAHT). Mr. Wadsworth, who serves as the Planning Board representative to the DAHT, stated that a recent presentation by consultant Ms. Lynne Sweet was difficult to understand because it was presented over the telephone. He stated that it would be much more productive for her to attend the DAHT meetings due to the complex nature of the issues.

OTHER BUSINESSMinutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to approve Executive Session meeting minutes of September 13, 2010 as written.

VOTE: The motion carried 4-0-2, with Mr. Casagrande and Mr. Uitti abstaining.

MOTION: Mr. Glennon made a motion, and Mr. Uitti provided a second, to approve meeting minutes of June 24, 2013 as amended.

VOTE: The motion carried unanimously, 6-0.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Uitti provided a second, to approve meeting minutes of July 29, 2013 as amended.

VOTE: The motion carried 5-0-1, with Mr. Glennon abstaining.

Duxbury Estates Fees in Lieu of Affordable Housing: Mr. Bear noted that three building permits were issued at Duxbury Estates in June 2013 and asked if any of them triggered an installment payment of the fee in lieu of affordable housing schedule agreed by the applicant. Staff offered to look into the matter.

PLANNING BOARD MINUTES

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ADJOURNMENT

The Planning Board meeting adjourned at 9:27 PM. The next Planning Board meeting will take place on Monday, September 23, 2013 at 7:00 PM at the Duxbury Town Hall.

13 SEP 21 PM 12:29

DUXBURY, MASS.

MATERIALS REVIEWED

Administrative Site Plan Review: Parking Lot at 23 Howland's Landing / Town of Duxbury

- Public Meeting notice stamped with Town Clerk on 08/06/13
- ASPR application and materials submitted on 08/01/13
- Vision GIS property cards, map, aerial photo and Pictometry orthophoto
- Memo from S. Lambiase dated 08/23/13 re: handicap parking space (*distributed at meeting*)

Certification of Definitive Subdivision Plans: MacFarlane Farms / MacFarlane Farms Realty, LLC

- Letter from Atty. T. Pawson dated 08/20/13
- MGL Chapter 41, Section 81X
- Draft Certification of Plan Endorsement

Discussion in Preparation for Community Preservation Committee Annual Public Forum

- Memo from CPC dated 07/25/13

Discussion of Potential Zoning Bylaw Amendment: Stormwater / Land Clearing

- Model Stormwater Bylaw developed by Horsley Witten in December 2004
- Marshfield Storm Water Management Zoning Bylaw adopted in 2010

Discussion of Potential Zoning Bylaw Amendment: Medical Marijuana Moratorium

- Marshfield medical marijuana moratorium bylaw adopted in April 2013

Other Business

- 09/13/10 Executive Session minutes
- 06/24/13 minutes
- 07/29/13 minutes
- Rep. Cutler Letter dated 07/23/13 in Support of an Act Relative to Voting Qualifications of Municipal Boards at Public Hearings
- ZBA Decision: 48 & 55 Hicks Point Road / Gilson & Quinlisk
- *Clipper* editorials about Planning Board dated 07/31/13
- Construction Cost Estimates for July 2013