



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
13 OCT 29 AM 10:40
DUXBURY, MASS.

Minutes 09/23/13

The Planning Board met on Monday, September 23, 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, Jennifer Turcotte, and David Uitti.

Absent: No one was absent.

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

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

OPEN FORUM

Metropolitan Area Planning Council (MAPC): Mr. Casagrande reported that he had attended a South Shore Coalition meeting of this regional planning agency as a Planning Board representative. He stated that medical marijuana zoning was a major topic. The town of Scituate is going forward with a zoning bylaw while other towns have adopted a two-year moratorium. Mr. Broadrick noted that medical marijuana dispensaries in Duxbury may be self-limiting because they are not allowed within 500 feet of schools, churches or recreational facilities. Mr. Casagrande added that they are only allowed in Neighborhood Business districts, not Residential Compatibility-zoned districts.

Mr. Broadrick noted that Mr. René Read, Town Manager, has questioned why the town belongs to both the MAPC and the Old Colony Planning Council (OCPC) as a budget issue. Mr. Casagrande noted that the MAPC appears to be more business-oriented and most grants are joint applications with other towns. Mr. Glennon recommended that the town continue membership in both regional planning agencies for a few years and then re-evaluate.

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps: Mr. Bear reported that he had attended a recent FEMA Flood Map workshop in Duxbury hosted by the regional FEMA agency to present new preliminary flood maps to residents and business owners in Duxbury, Kingston and Plymouth. Mr. Bear reported that some Flood Insurance Rate Maps are being drastically updated. He noted that at the meeting it was mentioned that some communities participate in the Community Rating System (CRS) that would entitle property owners up to a 45 percent discount on flood insurance rates. Although the Town of Duxbury most likely would qualify for a more modest discount like ten to twenty percent, he suggested that it is worth looking into. The town would need to provide evidence of stormwater management, elevation certification, mitigation efforts and other work.

Mr. Broadrick stated that Ms. Colleen Bailey, regional FEMA mapping coordinator, has reported that only eight structures in the town of Duxbury would be added to a flood zone on the new FIRMS, and only 39 new

parcels without structures would be added. Currently in the town of Duxbury 527 structures and 1,569 properties without structures are in the flood zone. In contrast, in the town of Marshfield approximately 2,000 properties with structures would be added to the flood zone on the proposed FEMA maps. He stated that the Town of Plymouth participates in the CRS but that town has a staff of three or four planners. Mr. Broadrick reported that the Plymouth Town Planner, Mr. Lee Hartman, has offered assistance in understanding the CRS.

Gurnet Road Flood Mitigation: Ms. Turcotte reported that she had attended an informal meeting with land owners in the Gurnet Road area and State Representative Josh Cutler of and State Representative Jim Cantwell of Marshfield regarding flooding and mitigation measures. The homeowners and State Representatives are hoping to schedule a meeting with Planning and Conservation staff in their towns for guidance on how to apply for grants and procurement procedures. Mr. Casagrande noted that many dwellings along the coast in Duxbury around the Gurnet Road area have seawalls.

Open Space Committee Nature Walk: Mr. Glennon reported that the Open Space Committee has cancelled this year's Fall Foliage Fiesta in order to focus on a nature walk in the Ashdod area, with details to be published in the *Duxbury Clipper*.

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

Mr. Patrick Brennan of Amory Engineers was present to represent the application. Mr. Wadsworth invited Mr. Brennan to present revised plans. Mr. Brennan showed on the revised plans dated September 3, 2013 that a handicap parking space has been added to Phase I construction. A guardrail is now shown except on the east end where trees will provide a natural barrier. When the trees are removed during Phase II a guardrail will be added. The parking area on the east end has been expanded slightly to allow vehicles more room for backing out of parking spaces. Cross-hatched shading now better depicts the bottom of the swale and the berm is shaded in gray. The swale is the low point of the drainage.

Mr. Wadsworth asked how the swale will be maintained, and Mr. Brennan replied that it will be mowed and maintained as though it is part of the lawn. Mr. Wadsworth recommended that a condition be added to the decision that the swale will be mowed at least two times per year.

Mr. Brennan continued with showing the plan revisions, including the location of signage. Mr. Bear recommended that the language "adopted by the Blairhaven Committee" be changed to "adopted by the Board of Selectmen."

Mr. Brennan stated that the post and rail gate is now shown on plans. The gate is 22 feet wide. Mr. Glennon noted that there is a bench located near the proposed parking lot and asked where that would be located on the plan, and Mr. Brennan responded that the bench will need to be re-located because it is on the area where the parking lot would be constructed.

Mr. Glennon asked why Phase II could not be constructed closer to Howland's Landing road, and Mr. Brennan stated that it would require an extensive amount of cut and fill. Mr. Glennon asked if any existing parking spaces on the road would be lost, and Mr. Brennan replied that no spaces would be lost. Ms. Ladd Fiorini stated that she cannot imagine with the completion of Phase II that 24 vehicles would want to park at Howland's Landing and sit in their vehicles to take in the scenic view. She stated that most people would want to get out of their car. She said that she would be much happier if Phase II was moved closer to the road. Mr. Brennan noted that Phase II will only be constructed if demand requires it.

Mr. Bear noted that it is not the Board's role to design the parking lot because that task was handled over the course of 1 ½ years by the Blairhaven Committee that was appointed by the Board of Selectmen. Mr. Glennon stated that while he appreciates the committee's work, the Board is obliged to consider the proposal without deferring to the Blairhaven Committee because the Board reviews projects under the guidelines of the Zoning Bylaws. The criteria are fairly straightforward, with a major goal of preserving and protecting natural features. Mr. Bear noted that the property will have a conservation restriction.

Mr. Wadsworth noted that the parking lot location was vetted by another group that includes neighbors and other interested parties, and the Board needs to respect their recommendation. Ms. Ladd Fiorini noted that the Board did revise parking at the Duxbury Yacht Club on Mattakeeset Court. Mr. Bear stated that he would agree with revising the parking lot design if there was a long winding driveway or some other avoidable design flaw.

Mr. Wadsworth asked for public comment. Ms. Lorrie Hall of 175 Abrams Hill, a member of the Open Space Committee, stated that she has spoken with abutters to the proposed parking lot and concluded that there is no need for this parking lot. She stated that abutters do not really want it. It is designed as a place to sit and not get out of a vehicle. There are already parking lots that serve a similar purpose at the town pier and Shipyard Lane. The entire site should be harmonious to the beauty of the park and the trees that will need to be removed are very big and will eliminate shade from the parking lot.

Mr. Paul Keohan of 145 Chestnut Street, another member of the Open Space Committee, stated that Ms. Hall's comments echo his own viewpoint. He added his concern for the use of asphalt. Mr. Wadsworth noted that asphalt will be used in order to hold and remove pollutants and first flush waters. Mr. Keohan asked why gravel or shells cannot be used, and Mr. Wadsworth responded that pervious surfaces cannot control or treat stormwater. Using asphalt with a low-impact design drainage system will treat water before it gets to the aquifer, the bay. Mr. Keohan stated that in this case the risk may not be worth the reward.

Mr. Wadsworth directed Board members to review the draft decision.

MOTION: Mr. Bear made a motion, and Ms. Turcotte provided a second, to approve an Administrative Site Plan Review decision for a parking lot at 23 Howland's Landing / Town of Duxbury, and also plans titled, "Construction of a Scenic Parking Area, Howland's Landing, Site Plan Proposed Improvements," dated December 18, 2012, latest revision September 3, 2013, stamped and signed by Patrick G. Brennan, RPE on September 3, 2013, one sheet.

DISCUSSION: Mr. Uitti asked Mr. Brennan if an effort had been made by the CPC subcommittee to move the parking lot closer to Howland's Landing. Mr. Brennan replied that he did not know because he was not on the committee, but he assumed the parking lot design that was proposed may have provided the best view.

Mr. Glennon asked if Annual Town Meeting will consider both phases of construction funding, and Mr. Wadsworth responded that there may be no Phase II. Ms. Turcotte noted that there may be no Phase I without Town Meeting approval of funds.

VOTE: The motion carried 4-3, with Mr. Wadsworth, Mr. Bear, Mr. Casagrande and Ms. Turcotte voting for and Mr. Glennon, Ms. Ladd Fiorini, and Mr. Uitti voting against.

Ms. Ladd Fiorini signed the Administrative Site Plan Review decision.

RECESS TO ATTEND SEA LEVEL RISE STUDY PRESENTATION AT BOARD OF SELECTMEN'S MEETING

MOTION: Mr. Bear made a motion, and Mr. Casagrande provided a second, to recess the Planning Board meeting in order to attend a presentation regarding Sea Level Rise at the Board of Selectmen's meeting in the Mural Room, to reconvene immediately following the presentation.

VOTE: The motion carried unanimously, 7-0.

Therefore the Planning Board meeting was recessed at 7:50 PM and was later reconvened by the chairman at 8:47 PM.

REQUEST FOR LOT RELEASE: CAPE VERDE TERRACE / DRIVER

Mr. Broadrick explained that the applicant, Ms. Doreen Driver, has requested that the Planning Board sign a lot release and hold it until the consulting engineer submits a report that the road is completed according to the approved plan. He noted that the Board is not scheduled to meet again until October 28, 2013 due to the Columbus Day holiday. If the lots are released then the applicant can sell the new lot. He noted that she will eventually need to request a covenant release also because the Board is not holding any performance bond funds.

Mr. Wadsworth noted that Mr. Brennan, the consulting engineer, has stated that the road would not be completed by the end of this week. Mr. Casagrande stated that the Lot Release does not appear to be close to being ready. Mr. Broadrick noted that the applicant could choose to post a performance bond. Mr. Brennan would prepare an estimate of funds required to complete the road. Mr. Glennon stated that they could ask the applicant if this is something she would consider; however she is not present to ask.

Mr. Bear recommended deferring this agenda topic and Board members agreed.

ZBA SPECIAL PERMIT REFERRAL: 56 SURPLUS STREET / WRIGHT

Board members reviewed this special permit referral to create an accessory apartment in an 850-foot existing living area attached to an existing dwelling structure. Mr. Broadrick noted that it appears that the applicant has an existing nonconformity because plans submitted show two existing kitchens and two existing living rooms already. He stated that the applicant should be applying for relief for a two-family dwelling but it is possible that the 'ten-year' rule applies if the two-dwelling unit structure was built over ten years ago.

Mr. Glennon noted that a building permit was issued on August 21, 2013 to construct a 14' x 18' and 10' x 14' addition with additional remodeling within the existing footprint. Mr. Broadrick stated that the building permit must be for a separate project because the special permit application specifically states that the accessory apartment would be constructed within the existing footprint.

Board members reviewed the Accessory Apartment zoning bylaw. Mr. Bear noted that if the applicants propose a third dwelling unit in the house it is unclear where it would be because plans do not make clear where the proposed accessory apartment will be located.

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit to create an accessory apartment in an 850-foot existing living area attached to an existing dwelling structure at 56 Surplus Street / Wright.

VOTE: The motion carried unanimously, 7-0.

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

PREPARATION FOR JOINT MEETING OF THE ZONING BOARD OF APPEALS AND PLANNING BOARD

Board members deferred this discussion because Mr. Scott Zoltowski, chairman of the Zoning Board of Appeals, has cancelled the meeting scheduled for September 26, 2013 due to a work travel commitment.

OTHER BUSINESS

Minutes:

MOTION: Ms. Turcotte made a motion, and Mr. Glennon provided a second, to approve meeting minutes of August 26, 2013 as amended.

VOTE: The motion carried 6-0-1, with Ms. Turcotte abstaining.

McLean's Way 40B Project Eligibility Letter: Board members reviewed a letter from Mass Housing dated August 27, 2013 approving project eligibility for this proposed 40B project off of Bow Street. Mr. Glennon stated that this 40B is an unintended consequence of the Residential Conservation Cluster zoning bylaw. If the Planning Board had the flexibility to approve a grid subdivision the applicant would not have been forced to design a cluster that may not be the best use of the property. The property owner then exercised his right to propose a 24-unit 40B development. Mr. Bear noted that the Community Preservation Committee considered purchasing the land twice for conservation/public use. However it was not an ideal purchase because it was located behind several houses and there is a creek in between it and the North Hill Golf Course. Mr. Wadsworth noted that the applicant, Mr. Emil Reinhalter, had objected to the size of the cluster lots and now the lot size is even smaller. Ms. Ladd Fiorini recalled that the proposed subdivision road was a problem that affected an abutting property.

ADJOURNMENT

The Planning Board meeting adjourned at 9:27 PM. The next Planning Board meeting will take place on Monday, October 28, 2013 at 7:00 PM at the Duxbury Town Hall.

MATERIALS REVIEWED

Continued Administrative Site Plan Review: Parking Lot at 23 Howland's Landing

- Cover letter from Amory Engineers dated 09/04/13 and revised plans submitted on 09/05/13
- Draft decision dated 09/24/13

ZBA Special Permit Referral: 56 Surplus Street / Wright

- ZBA special permit materials submitted to Planning Office on 09/04/13
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

Preparation for Joint Meeting of the Zoning Board of Appeals & Planning Board

- Draft agenda for September 26 meeting
- ZBA Member List
- Staff memo outlining topics
- Overview of ZBA Referrals January 2010-April 2013
- Overview of PB Decisions January 2010-September 2013
- ZBA Updated Rules & Regs for 40A and 40B applications

TOWN CLERK
13 OCT 29 AM 10:41
DUXBURY, MASS.

Sea Level Rise Presentation

- Press release for BOS Sea Level Rise presentation

Other Business

- PB Annual Report FY2013
- Meeting minutes of 08/26/13
- Letter from MassHousing dated 08/27/13 re: McLean's Way 40B Project Eligibility approval
- "Coming Soon to Norwell?" *Boston Globe South* article dated 09/13/13
- "Congress Must Withdraw FEMA Flood Maps" *Patriot Ledger* editorial dated 09/14/13
- Horsley Witten Open House October 3, 2013
- Construction Cost Estimates for August 2013

TOWN CLERK
13 OCT 29 AM 10:41
DUXBURY, MASS.