



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
14 MAY 19 PM 12:52
DUXBURY, MASS.

Minutes 04/28/14

The Planning Board met on Monday, April 28, 2014 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Small Conference Room.

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

Absent: Scott Casagrande; and Diane Grant, Administrative Assistant.

Staff: Thomas Broadrick, Planning Director.

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

OPEN FORUM

Hall's Corner Traffic Study: Mr. Broadrick reported that a traffic count will take place at Hall's Corner on May 12-16 as part of the Old Colony Planning Council economic development study of Hall's Corner.

ZBA 40B Training: Mr. Broadrick reported that the Zoning Board of Appeals (ZBA) has posted a 40B training session on Monday, May 19 at 7:00 PM at the Senior Center. Several board members expressed an interest in attending.

ADMINISTRATIVE SITE PLAN REVIEW (CONTINUED): 612 CONGRESS STREET / DUXBURY FITNESS (PAQUETTE)

Present for the discussion were the applicants, Ms. Victoria Paquette and Mr. Justin Paquette, owners of Duxbury Fitness. Board members reviewed revised plans dated April 15, 2014 showing the following:

- handicap parking space with signage
- wheel stops
- no-parking sign at the building entrance
- existing lot lines showing the limit of work at 612 Congress Street.

At the applicants' request, Board members waived the requirement for paving the handicap parking space.

The applicant agreed to install a "No Parking – Handicapped Access" sign at the front of the "access" space next to the handicapped space.

Board members also reviewed a draft decision and noted that the revised plans have been referenced.

MOTION: Mr. Bear made a motion, and Mr. Glennon provided a second, to APPROVE Administrative Site Plan Review of 612 Congress Street / Duxbury Fitness (Paquette) with conditions as noted in the draft decision.

VOTE: The motion carried unanimously, 6-0.

Mr. Wadsworth instructed staff to prepare a final decision for the Planning Board Clerk to sign.

DUXBURY, MASS
14 MAY 19 PM 12:52
TOWN CLERK

ZBA REFERRAL, COMPREHENSIVE PERMIT (CONTINUED): 56 & 70 BOW STREET / MCLEAN'S WAY LLC (REINHALTER)

Present for the discussion were approximately 12 members of the public. Mr. Wadsworth noted that staff had emailed copies of the applicant's traffic study and drainage calculations prior to tonight's meeting. He stated that the primary issue for tonight's discussion is the potential impact of the proposed project. The Planning Board has submitted one referral memorandum to the Zoning Board of Appeals (ZBA) so far with preliminary comments. A consulting engineer has not been engaged by the ZBA yet.

Mr. Utti commented on the applicant's traffic study, noting that it is difficult to determine if the methodology is sound. He stated that it is important that the consulting engineer analyzes the traffic study carefully to determine if the study is complete, adequate and accurate.

Ms. Turcotte stated that the consulting engineer should address whether the basic recommendations refer to single lanes like the existing street or multi-lane streets. She noted that data is lacking that would confirm which manual the data was based on. Mr. Wadsworth agreed that a review of the traffic study is crucial.

Mr. Glennon stated that the applicant's proposal to move the existing stop sign from Bowsprit Lane to the intersection of Bow Street and Route 3A (Tremont Street) makes sense, noting that there are sight line issues at that intersection, but that he nonetheless also has a number of concerns about the traffic study.

Mr. Bear suggested that it makes sense to review the traffic study after the consulting engineer makes recommendations.

Ms. Gale Willauer of 90 Bow Street questioned the number of vehicle trips per day and the number of vehicles per household reported in the traffic study, noting that accurate estimates are needed.

Mr. Robert Fallon of 98 Bow Street asked questions regarding the process and timing of the public hearing process, and also asked about the economic plan presented by the applicant.

A brief discussion regarding stormwater followed, with consensus for a need to wait for the consultant's review.

Mr. Broadrick advised the Board members that the ZBA has scheduled a site walk for Saturday, May 10, 2014 at 9:00 AM.

Mr. Wadsworth directed staff to draft a second memorandum to the ZBA with an update from the Planning Board. He advised the public that the Planning Board would schedule further discussion on this topic for its meeting on Monday, May 12, 2014.

ZBA REFERRAL, LOCAL INITIATIVE PROGRAM COMPREHENSIVE PERMIT: 0 TEMPLE STREET (FEINBERG BOG ROAD) / TOWN OF DUXBURY AFFORDABLE HOUSING TRUST

Board members reviewed the Zoning Board of Appeals (ZBA) application materials submitted for this LIP Comprehensive Permit to construct three duplex units for affordable housing. Mr. Broadrick noted that the town approved the purchase of land at Annual Town Meeting 2008 for the purpose of providing affordable housing.

Discussion touched on the need for the consulting engineer for town projects, but since the town's consultant was vetted through the RFP process it was agreed to support the Duxbury Affordable Housing Trust's decisions.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to recommend APPROVAL of this LIP Comprehensive Permit #2014-0020, Feinberg Bog Road, 0 Temple Street / Duxbury Affordable Housing Trust.

VOTE: The motion carried unanimously, 6-0.

Mr. Wadsworth directed staff to draft a memorandum to the ZBA with this recommendation.

TOWN CLERK
14 MAY 19 PM 12:52
DUXBURY, MASS.

ZBA REFERRAL, APPEAL OF BUILDING INSPECTOR'S DETERMINATION: 0 CONGRESS STREET / HOFFMAN

Board members reviewed the ZBA application materials submitted for this appeal of the Building Inspector's determination to withhold a building permit for two lots, noting that there is no record of an approved subdivision plan or Approval Not Required (ANR) plan showing that the parcel has been divided; and the proposed Lot #2 does not have the requisite upland area outside the Wetlands Protection Overlay District (WPOD). The applicant had submitted a plan dated March 25, 2014 that shows two lots where Assessor's records only show one parcel of land adjacent to the town-owned Crowell Bog on Congress Street.

Mr. Glennon noted that there is no ANR plan or Definitive Subdivision plan that matches the plan submitted. Mr. Broadrick confirmed that no such plan has been submitted to the Planning Office.

Mr. Glennon also noted that there appears to be no access over Lot #1 as shown on the proposed plan without filling in wetlands on a public way (Congress Street) in addition to filling wetlands on the owner's property.

Board members agreed to recommend that the ZBA uphold the Building Inspector's determination.

MOTION: Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to recommend that the ZBA UPHOLD the Building Inspector's determination to the Zoning Board of Appeals regarding ZBA Special Permit #2014-0019, 11 Congress Street / Hoffman. The Planning Board notes the following:

- There is no existing plan on record that shows the subdivision of Assessor's parcel ID 070-005-001.
- Lot #2 does not appear to have adequate upland area outside the Wetlands Protection Overlay District.
- There appears to be no access to the proposed Lot #1 without filling existing wetlands in a public way in addition to filling wetlands on the applicant's own property.

The Planning Board recommends that the applicant submit an ANR plan or Definitive Subdivision plan for approval by the Planning Board prior to filing for a building permit.

VOTE: The motion carried unanimously, 6-0.

PLANNING BOARD FEES DISCUSSION

Board members reviewed a memorandum from Mr. Thomas Connelly, Town Treasurer / Collector, dated April 14, 2014 requesting an assessment of Planning Board fees to determine whether they are adequate or need to be updated. Mr. Broadrick asked board members for their input regarding fees and whether fees should be considered for the following applications which do not require fees at this time:

- Land Clearing
- Scenic Tree Removal
- Private Way Name Change
- Citizen Petition Advertising Cost
- Inclusionary Housing
- Affordable Housing.

TOWN CLERK
 14 MAY 19 PM 12:32
 DUXBURY, MASS

Mr. Broadrick noted that a fee hearing would be required in order to establish any new application fees.

Mr. Bear recommended that fees should be required only for applications which would benefit a private individual. He stated that residents filing a citizen petition should not be charged for advertising costs because the citizen petition is for the benefit of the town versus the benefit of a private individual.

Board members directed staff to research fees charged by other towns for applications other than "Citizen Petition Advertising Cost" listed above.

VOTE ON LETTER OF SUPPORT FOR GATRA FEDERAL GRANT APPLICATION

Board members reviewed an email dated April 16, 2014 from Joanne Moore, Council on Aging Director, requesting a letter of support from the Planning Board for a Federal Transit Administration TIGER grant to assist in the final design and construction of a new Plymouth Transportation Center. They also reviewed an executive summary of the Final Report of the Site Selection Study and a project site plan and narrative.

Mr. Glennon asked if the proposal has the support of the Plymouth Planning Board. Mr. Uitti asked about current ridership numbers for the GATRA bus system. Mr. Broadrick explained that the GATRA bus would expand its services in order to provide shuttle service from the commuter rail station in Kingston.

MOTION: Ms. Turcotte made a motion, and Ms. Ladd Fiorini provided a second, to write a letter of support from the Duxbury Planning Board to GATRA for a Federal Transit Administration TIGER grant for the design and construction of the Plymouth Transportation Center for the chairman to endorse.

VOTE: The motion carried 5-1, with Mr. Uitti voting against.

PLANNING DIRECTOR PERFORMANCE EVALUATION

Mr. Broadrick noted that due to Open Meeting Law regulations, this evaluation does not fall under the requirements for Executive Session, as posted in the agenda filed with Town Clerk. Board members reviewed performance evaluation forms distributed by the Human Resources Department and decided that they would like to discuss the evaluation at the next Planning Board meeting on May 12, 2014.

OTHER BUSINESS

Meeting Minutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to approve meeting minutes of April 14, 2014 as amended.

VOTE: The motion carried unanimously, 5-0-1, with Ms. Turcotte abstaining.

ADJOURNMENT

The Planning Board meeting adjourned at 9:57 PM. The next Planning Board meeting will take place on Monday, May 12, 2014 at 7:00 PM at the Duxbury Town Hall.

MATERIALS REVIEWED

Administrative Site Plan Review (Continued): 612 & 0 Congress Street / Duxbury Fitness (Paquette)

- Draft decision dated 04/30/14
- Revised site plan submitted 04/16/14

ZBA Referral, Comprehensive Permit (Continued): 56 & 70 Bow Street / McLean's Way LLC (Reinhalter)

- PB minutes of 03/24/14
- PB memo to ZBA dated 03/27/14 re: initial comments
- Letters from abutters submitted at PB meeting on 03/24/14
- Emails between P. Freeman (*applicant's attorney*) and T. Broadrick dated 04/02 – 04/03/14

ZBA Referral, Local Initiative Program Comprehensive Permit: 0 Temple Street (Feinberg Bog Road) / Town of Duxbury Affordable Housing Trust

- ZBA referral materials submitted on 4/16/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

ZBA Referral, Appeal of Building Inspector's Determination: 0 Congress Street / Hoffman

- ZBA referral materials submitted 04/04/14
- Letter from S. Lambiase dated 04/15/14 re: Building Inspector's Determination and referral materials
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

Planning Board Fees Discussion

- Memo from T. Connolly, Treasurer/Collector dated 04/14/14

Vote on Letter of Support for GATRA Federal Grant Application

- Email from Joanne Moore, COA Director with sample letter
- Executive Summary of Final Report of Site Selection Study
- Architectural Elevation, site plan, and Project Description

Executive Session: Planning Director Performance Evaluation

- April 9th Memo from Jeannie Horne, HR Director with forms attached

Other Business

- Meeting minutes of 04/14/14
- ZBA decision, 56 Massasoit Road / Wilkinson (*approved w/ conditions*)

TOWN CLERK
 14 MAY 19 PM 12:52
 DUXBURY, MASS.