



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
14 OCT 24 AM 11:34
DUXBURY, MASS.

Minutes 08/25/14

The Planning Board met on Monday, August 25, 2014 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Small Conference Room.

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

Absent: Cynthia Ladd Fiorini, Clerk; and Jennifer Turcotte.

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

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

OPEN FORUM

New School Open House: Mr. Broadrick reminded board members that a public open house has been scheduled on Thursday, August 28, 2014 at 2:00 PM for the new co-located middle school and high school on St. George Street.

Town Hall WiFi: Mr. Broadrick reported that Town Hall will have WiFi by late fall, using the school's leftover equipment.

Police Station, Mayflower Street: Mr. Broadrick reported that at a recent department head meeting, the Police Chief said that there is not enough parking for some of the events that take place there such as police training. Mr. Broadrick said that any change in parking would require Administrative Site Plan Review.

ZBA REFERRAL, SPECIAL PERMIT: 94 PRIOR FARM ROAD / COWEN

Mr. Broadrick explained that the applicants are proposing to add an accessory apartment within the existing footprint of a single-family dwelling. Mr. Casagrande asked why a special permit is required, and Mr. Broadrick said that there may be funding available through the state for providing housing for an adult special needs daughter of the applicants.

Mr. Broadrick noted that it appears that the proposed accessory apartment is under 800 square feet in size although it is difficult to tell from the plans submitted. He noted that the property is located entirely in the Aquifer Protection Overlay District, although the opposite is stated in the application materials, which requires 10,000 square feet of land per bedroom. He said that the number of bedrooms is not shown on the plans, so the Board of Health should be consulted.

Mr. Broadrick noted that looking at the plans the upstairs appears to be accessible from the accessory apartment. He said it was unclear if the upstairs is closed off from the accessory apartment, whether or not it

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would be accessible to the remaining living space. He said that although the plans are not clear, the accessory space provided appears to be sufficient for one person.

Board members agreed that the plans are unclear because it was difficult to determine whether the applicants were proposing to construct a new porch. Mr. Casagrande noted that the plan was dated 2007 and it appears that the porch has already been constructed.

Mr. Utti noted that Zoning Bylaws require an additional parking space for a new accessory apartment, and that the Board of Health needs to be consulted regarding Title 5 approval. He said that if the entire first floor is available for the accessory apartment, then the total area would be 888 square feet, above the maximum requirement. He suggested that the Planning Board respond to each section of the Accessory Apartment Bylaw in its recommendation to the Zoning Board of Appeals (ZBA).

Mr. Glennon said that because the plans are confusing it is difficult to make a recommendation. He said that more information may be needed from the applicants in order to help the ZBA make its decision.

Mr. Casagrande asked if the ZBA can condition that the accessory apartment is not transferrable, and Mr. Broadrick responded that he is not sure whether or not they can do that. Mr. Casagrande noted that after the daughter moves out, the owners could rent the space as an apartment. He noted that usually accessory apartments are more clearly defined and separate from the other living space.

MOTION: Mr. Bear made a motion, and Mr. Casagrande provided a second, to defer judgment to the Zoning Board of Appeals regarding special permit #2014-0023, 94 Prior Farm Road / Cowen proposing an accessory apartment within an existing single-family dwelling, noting the following:

- It is unclear whether the accessory apartment meets the 850 square-foot maximum area. From the plan submitted there appears to be one room on the same floor as the proposed accessory apartment and an upstairs to the accessory apartment. Both of those spaces should be restricted to eliminate access to those spaces from the accessory apartment. The accessory apartment should be defined on the plan and limited to the 850-foot requirement.
- It appears that the accessory apartment does not require exterior alteration to the existing single-family dwelling.
- At 1.23 acres, the lot area is well above the 20,000 square feet minimum lot size.
- It does not appear that one additional parking space has been provided to serve current or future accessory apartment residents.
- According to Assessor's records, the applicant is the owner-occupant at this time.
- The Board of Health should be consulted regarding compliance with Title 5 and local regulations since the property is located entirely within the Aquifer Protection Overlay District (contrary to what is stated on the application).
- The applicants submitted a site plan dated May 15, 2007, which depicts the current configuration of the dwelling. The floor plan submitted does not show how the accessory apartment will be limited to the 850 square feet maximum and it does not calculate square footage of what is proposed.
- Per Assessor's property card information, the dwelling is at least ten years old. Based on the site plan submitted, it appears that the addition creating the current dwelling configuration may have been constructed in 2007.
- The Planning Board recommends that the Zoning Board of Appeals should require the applicants to record a restriction at the Plymouth County Registry of Deeds verifying that the apartment is accessory to a single-family dwelling and that no application shall be made to convert the accessory apartment to a condominium.

VOTE: The motion carried unanimously, 5-0.

PLANNING BOARD FEE REVIEW (CONTINUED DISCUSSION)

Mr. Broadrick noted that this discussion was continued from the last Planning Board meeting on July 14, 2014. Board members reviewed the Zoning Board of Appeals fee schedule effective October 1, 2013, along with the current Planning Board fee schedules.

Mr. Glennon noted that the current Administrative Site Plan Review (ASPR) fee schedule is detailed by gross floor area. Mr. Wadsworth suggested that a sliding scale may simplify the fee determination.

Mr. Uitti said that if fees go into the town's general fund, why should the Planning Board increase the fees? Mr. Broadrick responded that the Planning Board is considering new fees for applications that do not currently have one. He noted that the idea is for fees to be charged to property owners for projects that require a permit so that the tax burden does not fall on all residents to cover the town's costs. Typically taxes are for shared benefits and fees are for an individual's benefit. Mr. Uitti noted that taxes never seem to go down and the Planning Board will not benefit from the fees charged. Mr. Broadrick noted that fees do offset the cost of doing business with the Planning Board.

Mr. Bear noted that there is no need to increase fees overall. Mr. Broadrick agreed, noting that fees do need to be established for applications with no current fees such as Land Clearing & Grading. Mr. Casagrande asked if there is any fee for special permits through the Planning Board, and Mr. Broadrick responded that there is currently a fee for Residential Conservation Cluster.

Mr. Wadsworth polled board members regarding whether a fee should be charged for Land Clearing & Grading. Mr. Uitti stated that he would have a problem with that proposal. Mr. Bear said that the Planning Board should encourage applications in order to try to stop property owners from excessive clearing without a permit. He added that this should be the same case for scenic tree removal. Mr. Wadsworth asked staff to determine a proposed fee that the Planning Board can vote on.

Mr. Wadsworth addressed the existing fee schedule for work with the Aquifer Protection District (APOD). He noted that there are many categories of fees based on property area, and requested that staff propose a simplified fee schedule, possibly using a sliding scale. He offered to help Mr. Broadrick work on a new fee schedule.

Mr. Glennon stated that he agrees with Mr. Uitti that he does not support "fees for the sake of fees." He stated that the Planning Board should provide "access to justice" by encouraging some applications such as Land Clearing & Grading. Mr. Bear said that this raises the question of what are fees for? He said that the purpose is not to support the Planning Department but to provide a small barrier to town hall services to make sure the applicant is serious about doing the work proposed.

Mr. Wadsworth asked staff to schedule a fee hearing for the next available Planning Board meeting.

PLANNING BOARD ANNUAL TOWN REPORT

Board members reviewed a draft annual town report prepared by staff and suggested revisions to enhance the report. Another draft will be presented for the next Planning Board meeting.

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OTHER BUSINESS

Planning Board Minutes:

MOTION: Mr. Casagrande made a motion, and Mr. Glennon provided a second, to approve meeting minutes of June 23, 2014 as amended.

VOTE: The motion carried 4-0-1 with Mr. Utti abstaining.

MOTION: Mr. Casagrande made a motion, and Mr. Utti provided a second, to approve meeting minutes of July 14, 2014 as amended.

VOTE: The motion carried 4-0-1 with Mr. Wadsworth abstaining.

Solar Structures: Mr. Glennon noted that a number of building permits were issued for solar roof panels in the July Construction Cost Estimates report by the Municipal Services Department. Mr. Glennon asked what type of building permit would be required if someone wants a ground mounted solar array and how would it be treated as a structure. Mr. Broadrick will follow up with the Director of Municipal Services, Mr. Scott Lambiase.

ADJOURNMENT

The Planning Board meeting adjourned at 9:49 PM. The next Planning Board meeting will take place on Monday, September 8, 2014 at 7:00 PM at the Duxbury Town Hall.

MATERIALS REVIEWED

ZBA Referral, Special Permit: 94 Prior Farm Road / Cowen

- ZBA application materials submitted on 08/07/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

Planning Board Fee Review (Continued Discussion)

- ZBA "Schedule of Filing Fees and Special Escrow Account Fees" effective 10/01/13
- Planning Board fee schedules
- Email from I. DelBono to Massplanners list-serve dated 12/02/2010 re: difference between fee and tax
- Email from B. Ritchie to Massplanners list-serve dated 06/20/14 re: Planning Board application fees

Planning Board Annual Town Report

- Draft annual report for FY2014

Other Business

- PB minutes of 06/23/14
- PB minutes of 07/14/14
- New School Building Open House Invitation
- Logan Airport Citizens Advisory Committee: Email dated 07/29/14 from T. Broadrick to R. Read with attached letter from Massport
- ZBA decision re: 612 Congress Street
- ZBA decision re: 30 Powder Point Road
- ZBA decision re: 39 Josselyn Avenue
- Construction Cost Estimates for July 2014

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