

Approved 03/09/15



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
15 MAR 16 AM 8:57
DUXBURY, MASS.

Minutes 02/11/15

The Planning Board met on Monday, February 11, 2015 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, first in the Small Conference Room, and then the Mural Room.

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

Absent: Cynthia Ladd Fiorini, Clerk; and David Uitti.

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

Mr. Wadsworth called the meeting to order at 7:10 PM in the Small Conference Room. He noted that this Planning Board meeting was scheduled due to snow storms which caused the cancellation of meetings on January 26, 2015 and February 9, 2015. He called for a motion to move the Planning Board meeting to the Mural Room.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, for the Planning Board to recess to the Mural Room to hold its meeting, not to return to the Small Conference Room.

VOTE: The motion carried unanimously, 4-0. (Ms. Turcotte was not yet present, but did arrive in time for Open Forum.)

Therefore, the Planning Board meeting moved to the Mural Room at 7:12 PM.

OPEN FORUM

Economic Advisory Committee (EAC): Mr. Bear reported that the Board of Selectmen is expected to open the Annual Town Meeting warrant and will include a newly proposed article to reduce the number of Economic Advisory Committee members from 9 to 7. He stated that the EAC meets on Wednesday mornings in order to accommodate the schedules of the business owners who are on the committee, and the representatives from the Board of Selectmen and the Zoning Board of Appeals are not able to attend those morning meetings. Therefore it is difficult to meet quorum requirements. The EAC was created through a General Bylaw and so it would require a Town Meeting vote to change the number of members.

Mr. René Read, Town Manager, was present at the meeting and he confirmed that the EAC membership had been added to the Annual Town Meeting warrant.

Crematory Garage, off Mayflower Street: Mr. Glennon noted that clearing has begun for this project which underwent Administrative Site Plan Review through the Planning Board. He requested staff to drive by the property in order to make sure that the amount of clearing is consistent with the ASPR approval.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; www.town.duxbury.ma.us/planning

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.

DISCUSSION: PLANNING BOARD MEETING LOCATION

Mr. Broadrick stated that the staff at the new Duxbury Middle School / High School has been very accommodating of the Planning Board's request to meet at the school's library on the third floor. He stated that the staff has made a recommendation that the Planning Board consider changing its meeting location to the School Committee meeting room at the Alden School, Room 104. Mr. Broadrick stated that he and Mr. Wadsworth had been given a tour of Room 104 and it is a large meeting room with easy access for the public, it does not require custodial time to set up, and it has accommodations for video recording Planning Board meetings. He stated that the school library has exhibits and other events from time to time that may present a conflict for Planning Board meeting space. The Alden School Room 104 is used exclusively for School Committee meetings and is always set up for meetings on a different night than Planning Board meetings.

Mr. Bear noted that meeting outside Town Hall, the Planning Board would lose the opportunity to meet with the Board of Selectmen as they have done from time to time in the past. He asked if there might be meeting rooms available at the Senior Center on Mayflower Street, and Mr. Wadsworth responded that Room 104 is significantly larger than most meeting rooms at the Senior Center, and Room 104 is on the first floor with parking close by, and the Planning Board could stay later than 9:00 PM unlike the school library.

Mr. Glennon expressed continued appreciation to the School Department for accommodating the Planning Board at the school library. He stated that it would be appropriate to try the Alden School Room 104. He stated that he liked the idea that Planning Board meetings could be recorded for PAC-TV. Mr. Casagrande agreed that the Planning Board should try out meeting at the Alden School Room 104. Staff confirmed that the Planning Board would reserve the Alden School Room 104 for its meetings on March 9 and March 23, 2015.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: LITTLETOWN WAY, OFF TREMONT STREET / NASS & ALFIERI

Mr. Broadrick stated that the public hearing cannot open because only three Planning Board members are present who are eligible to participate in the public hearing. According to the Mullin Rule, board members may only participate in deliberation at an adjudicatory public hearing if they have not missed more than one public hearing. Mr. Broadrick stated that the applicant had sent an email request to continue the public hearing to Monday, February 23, 2015 at 7:15 PM. Mr. Broadrick noted that the act-on date on the current extension form is February 28, 2015.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, to continue the public hearing for the Littletown Way Definitive Subdivision / Nass & Alfieri to February 23, 2015 at 7:15 PM with a decision deadline of February 28, 2015.

VOTE: The motion carried unanimously, 5-0.

MINOR MODIFICATION AND PERFORMANCE BOND REDUCTION REQUESTS: FISHER RIDGE CONSERVATION CLUSTER, OFF SUMMER STREET (CONTINUED FROM 01/12/15)

Present to represent the requests was Mr. Stephen Vazza of Fisher Ridge Realty, LLC. Mr. Broadrick stated that the applicants have requested a performance bond reduction and are requesting a minor modification to eliminate the construction of swales behind Lots 2, 3 and 4, and another modification to eliminate the requirement for a streetlight at Fisher Ridge Circle. Mr. Broadrick noted that Mr. Patrick Brennan of Amory Engineers, the town's consulting engineer, has prepared an estimate for completion at \$4,700.00.

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Mr. Broadrick stated that at the Planning Board meeting of January 12, 2015, Board members had already agreed with Mr. Brennan's recommendation that swales are not needed behind Lots 2 and 3. Board members had agreed to inspect the site to make a determination whether swales should be required or not behind Lot 4.

Mr. Broadrick reported that he and Mr. Wadsworth had inspected the site along the back of Lot 4 and there is a steep slope along the back of the lot. Riprap had been added to stabilize the slope of the rain garden outfall and runoff had encroached on the cart path that goes along the edge of the open space area. Mr. Vazza stated that due to the topography of the site in that area, a large amount of fill would be needed in order to construct a swale, and there are wetlands nearby. Mr. Wadsworth agreed, noting that it would be far more invasive to install swales at this point, and the dwelling is too close to the back of the lot to add fill. He stated that the residential yards will act as swales in the future.

Ms. Turcotte stated that she had also looked at the site and agrees that it would be far more invasive to construct swales now behind the lots.

Mr. Wadsworth expressed concern that the new drainage outfall from rain garden does not appear to be functioning. He stated that the rock sizes at the outfall at the bottom of the hill are quite large and he would hate to see children rolling down the slopes onto those rocks. He suggested that the outfall slopes could be made less steep, or else more, smaller rocks could be used. Mr. Vazza stated that he understands the problem and he will take a look. Mr. Broadrick suggested that Mr. Vazza work with Mr. Brennan to resolve the issue.

Mr. Broadrick noted that silt fencing along the open space has fallen and needs to be placed upright. Mr. Vazza agreed to resolve that issue as well.

Mr. Broadrick stated that he and Mr. Wadsworth saw a need for a streetlight and they had spoken with a homeowner who said she would want one, also. Mr. Broadrick stated that Mr. Brennan had estimated \$2,000.00 for a streetlight and that Mr. Vazza had provided evidence that he could install a streetlight at a lower cost. Mr. Vazza stated that NStar has told him that it would cost \$200.00 to install a streetlight on an existing utility pole. Mr. Broadrick noted that if the Town of Duxbury installs a streetlight, the Town would need to hire people to install it and therefore the cost would be higher. Mr. Bear asked if a light placed on the existing utility pole would adequately illuminate the subdivision entrance, and Mr. Broadrick responded that it would.

Mr. Broadrick stated that the other \$2,700.00 in Mr. Brennan's estimate would go toward loam and seed for the grassy common areas.

MOTION: Mr. Bear made a motion, and Ms. Turcotte provided a second, to approve a minor modification to the special permit issued on October 24, 2012 for Fisher Ridge Residential Conservation Cluster to allow a waiver for construction of a swale behind Lots 2, 3 and 4. The request for a waiver for a street light at the corner of Fisher Ridge Circle is denied and for safety reasons a streetlight must be installed by the applicant before As-Built approval.

VOTE: The motion carried unanimously, 5-0.

MOTION: Mr. Bear made a motion, and Ms. Turcotte provided a second, to approve a reduction in the performance bond for Fisher Ridge Residential Conservation Cluster to \$4,700.00 plus interest, with \$35,398.00 to be returned to the applicant, Fisher Ridge Realty, LLC.

VOTE: The motion carried unanimously, 5-0.

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ANR PLAN OF LAND: RAILROAD AVENUE & SAINT GEORGE STREET / S&G ASSOCIATES

Present to represent the applicant was Mr. Michael Pimentel of JC Engineering, Inc. in East Wareham. Mr. Wadsworth invited Mr. Pimentel to present the ANR plan. Mr. Pimentel stated that the ANR involves dividing out a lot that fronts on Railroad Avenue (Lot A), the former Yo Taco building. He stated that there are three structures on the property now, and if the ANR is endorsed there would be one structure on Lot A and two structures on Lot B. He stated that all structures meet zoning requirements in the Neighborhood Business 2 District.

Mr. Wadsworth asked if the plan meets frontage requirements, and Mr. Pimentel stated that Neighborhood Business Districts require 100 feet of frontage and the proposed plan shows 136.84 feet of frontage.

MOTION: Mr. Glennon made a motion, and Ms. Turcotte provided a second, to endorse a plan of land entitled, "Approval Not Required at Railroad Avenue & St. George Street in Duxbury, Massachusetts (Plymouth County)," dated January 14, 2015, prepared by JC Engineering, Inc. 2854 Cranberry Highway, East Wareham, MA 02538, stamped and signed by John L. Churchill, Jr., PLS on January 14, 2015, scale 1" = 20' as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 5-0.

Board members endorsed the ANR plan and Mr. Pimentel departed with the endorsed mylar.

DISCUSSION, POTENTIAL DEFINITIVE SUBDIVISION: TEAKETTLE LANE EXTENSION / BITTERS

Present for the discussion was the property owner, Mr. David Bitters. He had submitted a "Study Plan of Land" for the purpose of discussing how he could create access to the southwestern portion of his property in order to create four new lots. Mr. Bitters stated that the existing road, Teakettle Lane, is owned by abutters to the center line. The land has been in his family since the late 1800s and he is the sole survivor. He stated that he owns a total of 9.4 acres, including 357 West Street, the dwelling on the property. He stated that he is not interested in developing the land, noting that the Conservation Department had offered to purchase the land but had not responded to his counter-offers. He stated that the property is a tax burden because the property values are high.

Mr. Bitters stated that he is proposing to create six new lots in total and keep two lots. His question tonight is how to proceed to develop the lots in the back of the property. He stated that he has considered options that include purchasing neighbors' properties for access, gaining access off of Barnswallow Lane, gaining access from Hatches Barr to Modoc Street, or creating a new road off West Street that goes behind the existing dwellings on Teakettle Lane.

Mr. Bitters stated that in 1993 the Town of Duxbury asked him to pave a portion of Teakettle Lane when he applied for ANR plan. He stated that it makes the most sense to him to continue paving up to the turnaround at Modoc Street. He stated that power exists up to the four lots, and it would be easy to extend natural gas to the four new dwellings. He stated that he is seeking guidance from the Planning Board on how best to develop the land.

Mr. Wadsworth stated that he has driven on Teakettle Lane and on parts it is impossible for two vehicles to pass. He stated that the Planning Board must ensure safe and adequate access in order for fire and ambulance to serve residences.

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Ms. Turcotte noted that clearly Mr. Bitters has put a lot of thought into his options. She stated that the Planning Board cannot provide guidance on what to do and her best advice is for Mr. Bitters to seek out a professional engineer who could help him develop a plan. Mr. Broadrick agreed with Ms. Turcotte that Mr. Bitters needs to consult with an engineer, noting that he would not be able to improve Teakettle Lane without Planning Board subdivision approval. Ms. Turcotte stated that he could also propose a cluster subdivision.

Mr. Wadsworth advised Mr. Bitters to contact Mr. Peter Mackin, Water Superintendent, regarding requirements for water service.

Mr. Glennon thanked Mr. Bitters for consulting with the Planning Board. He stated that the lot shape appears to be a challenging. In order to ease the tax burden, he suggested that Mr. Bitters consider a Conservation Restriction as an alternative to developing the land. Mr. Wadsworth suggested that Mr. Bitters speak with Mr. Joseph Grady, Conservation Administrator, regarding how to go about the process. Mr. Bear cautioned that a Conservation Restriction is not easily reversible.

Ms. Turcotte asked if there are any wetlands on the property, or if the property is a habitat for endangered species, and Mr. Bitters answered no to both questions. Mr. Glennon suggested that Mr. Bitters speak with the Tax Assessor for ideas regarding tax relief. Mr. Bitters thanked the Planning Board members for their input.

PUBLIC HEARINGS FOR ANNUAL TOWN MEETING ZONING ARTICLES

Mr. Wadsworth opened the public hearing at 8:17 PM and asked Mr. Bear, Acting Clerk, to read the public hearing notice.

ZBL SECTION 560.5 (INCLUSIONARY HOUSING, PROVISION OF AFFORDABLE UNITS) TO CLARIFY PAYMENTS FOR FEES IN LIEU OF CONSTRUCTION OF AFFORDABLE HOUSING

Mr. Bear, Acting Clerk, read the correspondence list into the record:

- Emails between K. Batt, R. Read and T. Broadrick dated 12/02/14 – 12/03/14
- Article submitted to Town Clerk on 01/05/15
- Public hearing notice filed with Town Clerk and mailed to the Department of Housing Community Development, the Metropolitan Area Planning Council, the Old Colony Planning Council, and the Planning Boards of Kingston, Marshfield, Pembroke and Plymouth on 01/05/15; and published in the *Duxbury Clipper* on January 7 & 14, 2015.

Ms. Diane Bartlett, chairman of the Duxbury Affordable Housing Trust, explained that this is a housekeeping item that was placed erroneously on the Town Meeting warrant in 2014 without the benefit of a public hearing or public notice. It corrects the name of the entity to which fee-in-lieu payments should be made, the Duxbury Affordable Housing Trust. Mr. Wadsworth invited public input.

Mr. René Read, Town Manager, reported that the Board of Selectmen had voted to recommend approval of this proposed Zoning Bylaw amendment. He distributed copies of the latest Annual Town Meeting warrant to Planning Board members. There was no further public input.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, to close the public hearing for a proposed Annual Town Meeting 2015 warrant article to amend ZBL Section 560.5 (Inclusionary Housing, Provision of Affordable Units) to clarify payments for fees in lieu of construction of affordable housing.

VOTE: The motion carried unanimously, 5-0.

Therefore, the public hearing closed at 8:27 PM.

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MOTION: Mr. Bear made a motion, and Ms. Turcotte provided a second, to recommend approval of a proposed Annual Town Meeting 2015 warrant article to amend ZBL Section 560.5 (Inclusionary Housing, Provision of Affordable Units) to clarify payments for fees in lieu of construction of affordable housing.

VOTE: The motion carried unanimously, 5-0.

ZBL SECTION 570 (AFFORDABLE HOUSING) TO CHANGE REQUIREMENTS FOR AFFORDABLE HOUSING UNITS ON QUALIFIED PRE-EXISTING NONCONFORMING LOTS

Mr. Wadsworth opened the public hearing at 8:28 PM. Mr. Bear read the correspondence list into the record:

- Article submitted to Town Clerk on 01/05/15
- Public hearing notice filed with Town Clerk and mailed to the Department of Housing Community Development, the Metropolitan Area Planning Council, the Old Colony Planning Council, and the Planning Boards of Kingston, Marshfield, Pembroke and Plymouth on 01/05/15; and published in the *Duxbury Clipper* on January 7 & 14, 2015
- Revised language submitted by K. Batt of Anderson & Kreiger on 01/22/15.

Ms. Diane Bartlett, chairman of the Duxbury Affordable Housing Trust (DAHT), stated that the DAHT is expected to recommend indefinite postponement of this proposed Town Meeting article so that the Zoning Bylaw Review Committee can review the bylaw and move it in closer accordance with the Town of Weston's affordable housing bylaw.

Ms. Bartlett stated that the Duxbury Affordable Housing Bylaw was approved by Annual Town Meeting in 2008 in order to allow the construction of affordable housing on certain pre-existing nonconforming lots. However, no one took advantage of the bylaw and so the DAHT wanted to reduce the minimum lot size from 10,000 square feet to 5,000 square feet.

Mr. Bear stated that he would have an issue with building affordable housing on a lot that small. The current minimum lot size is 40,000 square feet in the Residential Compatibility District. Mr. Glennon stated that he has the same concern, noting that with a lot that small the setbacks would overlap and render it impossible to construct a dwelling. Another danger is that it may create pork chop lots. He stated that it may be a solution looking for a problem, although it is a laudable purpose. Mr. Glennon suggested that a 25,000 square feet lot size minimum may be more appropriate.

Mr. Broadrick noted that a minimum lot size of 10,000 square feet did not attract any affordable housing applications, and the eligible lots are only those existing lots that have been identified as nonbuildable. There are approximately 400-500 lots less than 10,000 square feet eligible in the Town of Duxbury. Mr. Broadrick stated that the minimum lot size in the Commonwealth of Massachusetts is 5,000 square feet as stated in MGL Chapter 40A, Section 6, Paragraph 4.

Mr. Glennon stated that Chapter 40B attempts to address the need for affordable housing. He stated that affordable units should not look different than market rate units because that would go against the concept of making affordable housing a part of the community. He stated that this bylaw is a challenging way to achieve affordable housing.

Mr. Casagrande asked how many more lots would be eligible with the proposed bylaw, and Mr. Broadrick replied that approximately 400-500 more lots would become available; however, many of them have wetlands, soil conditions, or grading issues. Mr. Broadrick stated that the idea is to scatter affordable housing throughout the community.

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Mr. Wadsworth stated that he worked on the original bylaw as a member of the former Local Housing Partnership, and they had examined records lot by lot and the number of actual usable lots less than 10,000 square feet is fairly small, around 50 as he recalled. He stated that the math does not really work in favor of this bylaw because by the time a dwelling is constructed there would be no land remaining.

Mr. Casagrande stated that it would be a great idea to move smaller dwellings proposed for demolition to one of these smaller lots as affordable housing. Mr. Wadsworth stated that getting a mortgage under these circumstances would be a challenge.

Mr. Wadsworth invited further public input but there was none.

MOTION: Mr. Glennon made a motion, and Mr. Bear provided a second, to close the public hearing for a proposed Annual Town Meeting 2015 warrant article to amend ZBL Section 570 (Affordable Housing) to change requirements for affordable housing units on qualified pre-existing nonconforming lots.

VOTE: The motion carried unanimously, 5-0

Therefore, the public hearing closed at 8:40 PM.

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, to recommend indefinite postponement of a proposed Annual Town Meeting 2015 warrant article to amend ZBL Section 570 (Affordable Housing) to change requirements for affordable housing units on qualified pre-existing nonconforming lots.

VOTE: The motion carried unanimously, 5-0.

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CONTINUED PUBLIC HEARINGS FOR ANNUAL TOWN MEETING ZONING ARTICLES

RE-ZONE OF 0 NORTH STREET (023-010-001) TO MODIFY WETLANDS PROTECTION OVERLAY DISTRICT (CITIZEN PETITION)

Mr. Wadsworth opened the continued public hearing at 8:41 PM. No correspondence was read into the record. Present to represent the petition were Mr. Brad Holmes of Environmental Consulting & Restoration in Plymouth and Mr. Thomas Sullivan of Millbrook Survey in Marshfield. Mr. Wadsworth invited the representatives to present the proposal.

Mr. Holmes stated that the wetlands have been delineated and there is additional detail work to be done on the plan. Mr. Sullivan stated that the intent is to place the WPOD line 50 feet from the wetlands. Mr. Glennon asked if a revised plan is available and Mr. Sullivan responded that their intention is to have a revised plan but he is not sure if it would be ready for Annual Town Meeting in March. Ms. Turcotte stated that they would need to show the proposed line or else Town Meeting cannot vote on it. Mr. Glennon asked if the proponents would be withdrawing the citizen petition, and Mr. Holmes said, "No." Mr. Holmes stated that they are at a disadvantage because the proponent's representative, Mr. Paul Brogna of Seacoast Engineering, is away. Ms. Turcotte stated that Mr. Brogna had requested this public hearing date. Mr. Broadrick stated that Mr. Brogna was also told to bring a plan showing the proposed WPOD line and no plan has been submitted to date.

MOTION: Mr. Glennon made a motion, and Ms. Turcotte provided a second, to continue the public hearing for a citizen petition to modify the Wetlands Protection Overlay District on 0 North Street (023-010-001) to February 23, 2015 at 7:25 PM at the Duxbury Middle School / High School Library.

VOTE: The motion carried unanimously, 5-0.

PROPOSED ZONING BYLAW FOR GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

Mr. Wadsworth opened the continued public hearing at 8:54 PM. There was no correspondence to add to the record. Mr. Broadrick apologized that he had not had time to further research potential amendments to the proposed ground-mounted solar installation bylaw. Mr. Glennon noted that the main issue appears to be size, and it may be challenging to regulate something that may never happen. He suggested that 5,000 kWh or smaller may be a threshold size. Mr. Bear stated that measuring in kilowatt hours is technically not a dimension for building permits. Ms. Turcotte stated that the size of the structure matters because there could be an unintended consequence of creating a business on a residential lot.

Mr. Glennon stated that ground-mounted solar systems may create glare to abutters, even at a 15-foot setback. Mr. Wadsworth noted that many systems have adjustable angles.

Mr. Wadsworth stated that the proposed bylaw is not ready for Annual Town Meeting approval at this point. Mr. Glennon stated that his concern with indefinite postponement is that a lot can happen in one year. Mr. Broadrick stated that ground-mounted solar structures would be treated like any other structure with appropriate setback requirements. Mr. Casagrande asked if it would be a structure for coverage purposes, and Mr. Wadsworth responded that it is impervious and rain would fall off it. Mr. Broadrick noted that ground-mounted solar panels are self-regulating to the extent that they can only be placed where the sun shines for a good portion of the day.

Mr. Bear asked if the Planning Board should consider a moratorium on ground-mounted solar structures, and Mr. Broadrick responded that it could not be introduced at this year's Town Meeting because it is more restrictive than the proposed article. Mr. René Read, Town Manager, suggested that the Planning Board could consider withdrawing the article and reconsider it for next year's Town Meeting.

MOTION: Mr. Bear made a motion, and Mr. Casagrande provided a second, to close the public hearing for a proposed Annual Town Meeting 2015 article for a proposed Zoning Bylaw for ground-mounted solar photovoltaic installations.

VOTE: The motion carried, 4-1, with Mr. Glennon voting against.

Therefore, the public hearing closed at 9:10 PM.

MOTION: Mr. Bear made a motion, and Mr. Casagrande provided a second, to withdraw a proposed Annual Town Meeting 2015 article for a proposed Zoning Bylaw for ground-mounted solar photovoltaic installations.

DISCUSSION: Mr. Glennon asked if there might be another way for the Planning Board to recommend the article. Ms. Turcotte stated that it is an excellent idea but it does need to be worked on further.

VOTE: The motion carried, 4-1, with Mr. Glennon voting against.

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Ms. Turcotte suggested that the Planning Board add this topic to a future agenda in order to discuss language and further develop a workable bylaw.

DISCUSSION: POTENTIAL REORGANIZATION OF THE PLANNING BOARD, ZONING BOARD OF APPEALS, AND CONSERVATION COMMISSION INTO A DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Mr. Wadsworth stated that the current Annual Town Meeting warrant article does not include any reorganization but does include a proposal for the Planning Director position to be appointed by and report to the Town Manager rather than the Planning Board. He stated that he was a member of a former Government Study Committee that created the Town Manager form of government. At that time it was voted by Town Meeting that the Board of Assessors, the Library Trustees, and the Planning Board would remain elected positions that could appoint staff. Mr. Wadsworth stated that now the proposal is to tell only the Planning Board that they cannot appoint the Planning Director position.

Ms. Turcotte stated that she had proposed a potential re-organization of staff without knowing that there was a Town Meeting article that would change the Planning Director position. She stated that the Planning Board reviews many special permit referrals from the Zoning Board of Appeals (ZBA). She stated that the ZBA appears to have resource issues and there is no way to share staff. She had wanted to find out if the Planning Board and ZBA could share resources.

Mr. Casagrande stated that there were other discussions and Ms. Judi Barrett of the ZBA and Zoning Bylaw Review Committee (ZBRC) had lobbied for the proposed ATM warrant article. It also has been an agenda item on the ZBRC since its inception in order to provide potential support staff for the ZBA. Mr. Wadsworth asked if that is the intent of this proposed warrant article, and Mr. Casagrande said that it was not.

Mr. Casagrande stated that Ms. Barrett had done some research and determined that of 46 Planning Directors in Massachusetts communities similar to Duxbury, 14 are appointed by a Planning Board, 26 are appointed by Town Manager, and the remainder are "other" (i.e., appointed by Selectmen or Town Administrator). Under the current management configuration it is not possible for the Planning staff to provide staff support to other boards that work with the Zoning Bylaws. The proposal would allow the Town Manager to direct the town planner to provide such support.

Mr. Glennon stated that it appears to be an evolving process, and right now the article is only proposing from whom the Planning Director takes direction. He stated that the Planning Board can direct the Planning Director to work with the ZBA.

Ms. Turcotte stated that the planners have a certain scope of review and they need to work with other boards without being beholden to the Planning Board. Mr. Casagrande stated that it would provide a better utilization of staff. Mr. Glennon asked if that would not be considered a Department of Planning and Community Development, and Mr. Casagrande replied that it would not but it would be a step in that direction.

Mr. Broadrick stated that how he is appointed and to whom he reports is not a critical concern for whoever sits in his position as Planning Director. He stated that if responsibilities were added, the pay scale would need to be adjusted accordingly because it could turn into an entirely different position. He stated that he understands that the ZBA needs help but questioned what kind of help they need, planning or administrative?

Mr. René Read, Town Manager, stated that he strongly recommends that the proposed article be withdrawn because there is no sponsor currently unless the Planning Board wishes to sponsor it. He stated that a better

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approach is to form another Government Study Committee to cast a broad net in the light of day, including interviews, to get a better picture of what is needed.

Ms. Karen Goldberg of 40 Torrey Lane asked how the proposed article was placed on the Annual Town Meeting warrant without a sponsor. She stated that she is surprised that this is the first time the Planning Board is discussing this topic. Mr. Read responded that the conversation was initiated with a meeting attended by Ms. Barrett, Mr. Casagrande, the Chairman of the Board of Selectmen (Mr. Shawn Dahlen), and the Finance Director (Mr. John Madden). Initially the discussion focused on a new Community Development Director but this idea was not well-received by the Finance Committee and others. He stated that the article was a placeholder requested by the ZBRC.

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Ms. Goldberg asked if the article was placed on the warrant on the December deadline that is required for sponsored articles or citizen petitions, and Mr. Read replied that he was asked to place it on the warrant and he did. Ms. Goldberg asked if Mr. Read had the authority to place an article on the Town Meeting warrant, and he responded that now a Government Study Committee is proposed.

Ms. Goldberg stated that the Planning Board is elected as good stewards of the Town and this is not the type of process town residents would want to see. She stated that she does not support a change to allow the Planning Director to be appointed by the Town Manager and not the Planning Board.

Mr. Casagrande stated that the idea had been discussed by the ZBRC and ZBA for a while, and Mr. Bear stated that it appears that everyone was in on the conversation except the Planning Board. Mr. Wadsworth stated that after a recent Board of Selectmen meeting, Mr. Ted Flynn of the Board of Selectmen had taken him aside and mentioned the proposal, stating that the Board of Selectmen would not sponsor it. Mr. Wadsworth stated that prior to that he had assumed the article was being promoted by the Board of Selectmen.

Mr. Casagrande stated that the ZBA is having issues without adequate support staff. The ZBA members are volunteers and the stakes are costly with no support staff. Mr. Read stated that the ZBA staff is under his purview and Mr. Scott Lambiase, Director of Municipal Services, immediately offered assistance. Administrative staff is now going to prepare decisions in draft form.

Mr. Wadsworth stated that all of these issues should be worked out through a Government Study Committee. Mr. Casagrande stated that the ZBA would like a comprehensive review. Ms. Turcotte stated that she agreed that a comprehensive study sounds like a good idea.

Mr. Glennon acknowledged Mr. Casagrande and Ms. Turcotte for bringing up this important issue. He stated that he is intrigued by the concept of a Department of Planning and Community Development but is not sure that an article to have the Planning Director appointed by the Town Manager and not the Planning Board is a way to address that goal. However, a Government Study Committee would be a way to explore the concept.

Mr. Bear stated that he does not know enough about the ZBA to make a determination of its needs. He stated that it does not make sense to ask the Planning Director to help out the ZBA when the Planning Director does not appear to have time to work on the Comprehensive Plan update. He stated that he is concerned with the Planning Board giving up control over the Planning Director position, noting that the Board of Selectmen controls the budget for litigation and at certain times in the past the Board of Selectmen has made the wrong decision, based on bad information, not to defend the Planning Board.

Mr. Read stated that both the Planning Director reporting structure and Government Study Committee are currently on the draft warrant.

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, to support a proposed Annual Town Meeting 2015 warrant article to change the Planning Director position from appointed by the Planning Board to appointed by the Town Manager.

VOTE: The motion failed 2-3, with Mr. Casagrande and Ms. Turcotte voting for and Mr. Wadsworth Mr. Glennon, and Mr. Bear voting against.

Mr. Read stated that without the Planning Board sponsoring the article, the Board of Selectmen may choose to remove the proposed article from the Annual Town Meeting warrant at tomorrow night's meeting.

MOTION: Mr. Glennon made a motion, and Ms. Turcotte provided a second, to support a proposed Annual Town Meeting warrant article that would create a new Government Study Committee.

VOTE: The motion carried unanimously, 5-0.

TOWN CLERK
15 MAR 15 AM 8:58
DUXBURY MASS.

DISCUSSION: TOWN MEETING SCHEDULE AND OTHER TOWN MEETING ARTICLES

Tree Bylaw: Mr. Broadrick reported that the Open Space Committee would probably withdraw or recommend indefinite postponement of a proposed Tree Bylaw.

Funding Comprehensive Plan Update: Mr. Broadrick reported that \$120,000 would be proposed to be allocated toward this, but it does not appear to have support from the Finance Committee. Mr. Read reported that the proposed article is expected to be removed from the Annual Town Meeting warrant because snow removal has taken up any free cash that would have been available for projects like this.

Mr. Wadsworth stated that the update is needed. Mr. Bear stated that he would not support spending money on an updated Comprehensive Plan, noting that the Planning Board does not justify decisions based on it these days. He stated that the only thing that has changed since 1999 is the build-out, so a short new plan would cover that. He stated that it is embarrassing not to have an updated Comprehensive Plan.

Mr. Broadrick stated that a fully fledged Comprehensive Plan is proposed under the warrant article and there is no requirement on the timing of updates. Mr. Casagrande agreed that the town's goals have not changed since the 1999 Comprehensive Plan except the build-out analysis does need to be updated. He noted that the technology to do it does exist. Mr. Broadrick stated that the build-out analysis is based on the worst-case scenario and he does need to input the new data.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, for the Planning Board to recommend withdrawal of an Annual Town Meeting article that proposes funding for a Comprehensive Plan update.

VOTE: The motion carried unanimously, 5-0.

ZBA REFERRAL, SPECIAL PERMIT: 153 & 159 FRANKLIN STREET / DUXBURY AFFORDABLE HOUSING TRUST

Mr. Broadrick stated that this is a special permit application for a change in use from a Grange to a single-family dwelling. He stated that Town Counsel had advised the Duxbury Affordable Housing Trust (DAHT) to file this special permit. Mr. Casagrande stated that construction of single-family dwelling is by-right in the Residential Compatibility zone, and Mr. Broadrick agreed that he did not understand Town Counsel's advice.

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, for the Planning Board to recommend approval to the Zoning Board of Appeals for a special permit to change a use from a Grange to a single-family dwelling at 153 & 159 Franklin Street / Duxbury Affordable Housing Trust.

DISCUSSION: Mr. Casagrande questioned why the DAHT even needed to obtain a special permit.

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

Mr. Glennon stated that he abstained because he does not have enough information to make a recommendation.

OTHER BUSINESS

Planning Board Minutes:

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, to approve Planning Board minutes of December 8, 2014 as written.

VOTE: The motion carried unanimously, 5-0.

ADJOURNMENT

The Planning Board meeting adjourned at 10:05 PM. The next Planning Board meeting will take place on Monday, February 23, 2015 at 7:00 PM at the Duxbury Middle School / High School Library, 71 Alden Street.

MATERIALS REVIEWED

Continued Public Hearing, Definitive Subdivision: Littletown Way, off Tremont Street / Nass & Alfieri

- PB minutes of 11/10/14
- Undated letter from J. Stein (abutter) submitted at 11/10/14 PB meeting
- Letter from T. Tucker dated 11/10/14 submitted at PB meeting
- Letter from L. Alfieri dated 11/19/14
- Email from T. Broadrick to A. Kreiger dated 11/24/14
- Letter from L. Alfieri dated 11/28/14
- Letter from T. Tucker dated 12/05/14
- Letter from L. Alfieri dated 12/10/14
- Public hearing notice Revised plans submitted on 01/15/15
- Letter from P. Brennan of Amory Engineers dated 01/20/15

Minor Modification, and Performance Bond Reduction Requests: Fisher Ridge Residential Conservation Cluster

- Letter from S. Vazza dated 01/02/15
- Emails between S. Vazza and P. Brennan dated 01/16/15

ANR Plan of Land: Railroad Avenue & Saint George Street / S&G Associates

- ANR application and plans submitted on 01/15/15
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto
- PB minutes of 10/24/11

Discussion, Potential Definitive Subdivision: Teakettle Lane Extension / Bitters

- Concept plan submitted on 01/13/15
- PB minutes of 07/01/1992
- ANR plan endorsed 07/01/1992
- PB minutes of 09/30/2002

TOWN CLERK
FEBRUARY 16 AM 8:58
DUXBURY, MASS.

Public Hearings for Annual Town Meeting Zoning Articles

- Public hearing notice

ATM Zoning Article: ZBL Section 560.5 (Inclusionary Housing, Provision of Affordable Units) to Clarify Payments for Fees in Lieu of Construction of Affordable Housing

- Article as submitted by the Board of Selectmen and DAHT

ATM Zoning Article: ZBL Section 570 (Affordable Housing) to Change Requirements for Affordable Housing Units on Qualified Pre-Existing Nonconforming Lots

- Article as submitted by the DAHT on 01/05/15

ATM Zoning Article: Proposed Zoning Bylaw for Ground-Mounted Solar Photovoltaic Installations

- Zoning article submitted to the BOS on 12/01/14
- Zoning article with Town Counsel comments received 01/05/14

Discussion: Town Meeting Schedule and Other Town Meeting Articles

- Draft ATM warrant articles as of 01/02/15
- Planning Board Votes ATM 2015 dated 01/20/15
- Funding for Comprehensive Plan Update
- Tree Preservation and Protection General Bylaw

ZBA Referral, Special Permit: 153 & 159 Franklin Street / Duxbury Affordable Housing Trust

- ZBA special permit application and plans
- Vision GIS map, aerial photo, and Assessor's property card

Other Business

- PB minutes of 12/08/14
- ZBA decision: 136 Summer Street / Nejame

TOWN CLERK
 15 MAR 16 AM 8:58
 DUXBURY, MASS.

SIGN IN SHEET

**Duxbury Planning Board
February 11, 2015, 7:00 PM**

TOWN CLERK
15 MAR 16 AM 8:58
DUXBURY, MASS.

Public Hearings for Annual Town Meeting Zoning Articles:

- ZBL 560.5 to Clarify Payments for Fees in Lieu of Affordable Housing
- ZBL 570 to Change Requirements for Affordable Housing Units on Qualified Pre-Existing Nonconforming Lots

Continued Public Hearings for Annual Town Meeting Zoning Articles:

- Re-Zone of 0 North Street (023-010-001)
- Proposed Zoning Bylaw for Ground-Mounted Solar Photovoltaic Installations

Please print your name and address for our records:

Name

Address:

David Bitters

62 Teakettle Lane

Michael Pimentel

2854 Cranberry Hwy, E. Woburn, MA

Diane Barlett

200 Franklin St
