



Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

Minutes 04/27/15

The Planning Board met on Monday, April 27, 2015 at 7:00 PM at Duxbury Town Hall, Small Conference Room and Mural Room, 878 Tremont Street.

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

Absent: Cynthia Ladd Fiorini, Clerk; 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

Zoning Bylaw Review Committee: Mr. Casagrande reported that he has emailed the committee chairperson, Ms. Judi Barrett, requesting to get the committee back on a regular meeting schedule.

ZBA REFERRAL, SPECIAL PERMIT: 301 WASHINGTON STREET / MALONE

Board members reviewed this special permit application to construct a 10' x 10' addition and 4' x 10' covered porch, increasing the building coverage to over 15 percent on a 12,197 square-foot lot, using the "3% Rule." Mr. Casagrande reported that he had confirmed the lot coverage calculation figures. He noted that the existing rear addition has already been razed.

Mr. Wadsworth asked if there were any setback encroachments, and Mr. Casagrande stated that there is a pre-existing encroachment on the left front corner that does not affect this special permit request. He noted that the new work meets setback requirements.

MOTION: Mr. Casagrande made a motion, and Mr. Bear provided a second, to advise the Zoning Board of Appeals that the Planning Board has no issues with the proposed special permit at 301 Washington Street / Malone, as long as the Zoning Board of Appeals (ZBA) determines that the proposed work complies with the "3% Rule" and that the proposed project is not more detrimental to the neighborhood.

DISCUSSION: Mr. Wadsworth asked why not defer judgment, and Mr. Casagrande responded that the ZBA has told him that feedback is helpful.

VOTE: The motion carried unanimously, 5-0.

WORK SESSION: POTENTIAL TOWN MEETING ZONING AMENDMENTS: SOLAR, OVERLAY DISTRICTS, OTHERSolar Structures

Mr. Broadrick stated that he has been keeping track of Annual Town Meetings in other towns to find out what they are doing about solar bylaws. He reported that he also attended a Department of Energy Resources (DOER) webinar promoting solar energy. He stated that although it does not make sense to cut down trees and take away open space to make way for solar structures, the DOER is now promoting solar corridor installations. For example, the webinar introduced the concept of solar canopies in parking lots that act like a roof by keeping elements off of vehicles, and water is channeled into rain gardens. If the power generated is not being sold, it could be utilized for charging electric vehicles.

Mr. Broadrick stated that the Town of Williamstown has chosen not to define commercial solar structures. He suggested that a critical factor is whether the solar structure is a primary use (i.e., in the Neighborhood Business District) where the business would sell back the energy, or an accessory use (i.e., in the Residential Compatibility District) where the energy would be used to power a single-family dwelling with no sellback. He stated that he is uncomfortable with rural land being divided off for a solar farm.

Mr. Bear stated that another issue is how to size solar structures, asking if structures could be measured according to energy output, and Mr. Broadrick responded that structures are getting more efficient over time.

Mr. Casagrande stated that he is less concerned with solar structures in Neighborhood Business districts because they are limited in the town of Duxbury and he cannot imagine a business installing ground mounted solar structures. He stated that he is more concerned with residential owners filling their yards with solar structures and selling back the energy.

Mr. Bear stated that there is a large solar farm on what appears to be a residential structure along Route 228 in Hingham. He offered to bring a photograph of it. Mr. Broadrick suggested that the Planning Board might consider making solar an accessory use for powering a home. Mr. Wadsworth noted that it is difficult to determine when a residence has reached the point where it is supplying more energy than needed to power the home because the energy generated will vary from day to day. Mr. Casagrande stated that solar panels can be rated for the size of the property.

Mr. Broadrick suggested that the Planning Board could consider restricting solar panels to the rooftops of structures and not on the ground, and Mr. Glennon responded that he is not sure if that would be allowed according to MGL Chapter 40A. Mr. Bear stated that not every structure is suitable for solar panels. Mr. Glennon asked what the purpose would be for allowing rooftop panels only. Mr. Broadrick noted that solar panels are currently allowed on rooftops by right.

Mr. Glennon asked if board members were concerned with roof-mounted solar structures covering the entire roof, and Mr. Casagrande responded that he is less concerned with roof-mounted solar structures, except possibly in an historic district.

Mr. Glennon recommended that if solar structures require a special permit, it should be through the Planning Board.

Mr. Broadrick noted that several permits have been issued for residential properties in Duxbury. He offered to provide a list of those permits.

Mr. Casagrande suggested that solar structures could be regulated so that they provide only enough energy to power a dwelling. He stated that ground-mounted solar structures may be placed by a resident who is looking

to make money. He stated that a special permit should be required in those instances in order to determine that they are not more detrimental to the neighborhood.

Mr. Bear stated that he cannot think of a good reason to regulate commercial solar structures. Mr. Glennon noted that transformers do make some noise. Mr. Casagrande noted that a homeowner who lives near a commercial area expects some level of noise.

Mr. Glennon suggested that in the Residential Compatibility District, solar structures should be allowed on rooftops to provide power plus a buffer of excess for days when solar power is not generated. For locations that require panels on the ground, a special permit should be required.

Mr. Bear stated that Town Counsel should review "test bullets" with the ideas discussed. Mr. Wadsworth stated that Town Counsel may be willing to write a solar bylaw for the Town of Duxbury, and Mr. Broadrick stated that writing bylaws for the Zoning Bylaw Review Committee should be Town Counsel's top priority.

Mr. Glennon asked about solar panels mounted on light poles, and Mr. Casagrande stated that he would not care about those. He stated that the emphasis should be on helping make businesses successful, and if they are able to benefit from selling solar energy, all the better.

Wetlands Protection Overlay District (WPOD)

Mr. Broadrick suggested that he could research how much WPOD land would become available for development if the district were to be removed. Mr. Bear asked if it would be up to the Conservation Commission to move the lines on the zoning map, and Mr. Broadrick responded that zoning district lines are under the jurisdiction of the Planning Board only. Mr. Broadrick stated that the Director of Assessing, Mr. Stephen Dunn, had said that he could identify the lots with WPOD zoning; however, then each lot would need to be reviewed individually. Mr. Casagrande asked if town-owned wetlands could be excluded from the search, and Mr. Broadrick responded that wetlands mapping is through Mass GIS and is not tied into the WPOD zoning district map.

Mr. Uitti asked what benefit the WPOD provides at this point, since the town has adopted state wetlands regulations and has its own local wetlands regulations now. Mr. Broadrick responded that it is a tool to prevent further development, so it is a density control measure. Currently land in the WPOD is not allowed to be used toward land area in the definition and calculation of lot area. Mr. Wadsworth added that an additional purpose is to protect upland that feeds into wetlands. He noted Chandler Mill Pond and Island Creek as two examples.

Mr. Casagrande noted that the elevation determinations done on the original map in 1971 are not very accurate because it was drawn as a variable width area. He stated that the Zoning Bylaws currently provide a mechanism to correct an error in the WPOD map, but a special permit process is needed for cases where the WPOD line would not be changed.

Mr. Wadsworth asked what type of limits Mr. Casagrande would impose, and Mr. Casagrande replied that within 50 feet is the state's jurisdiction. He stated that he would do away with the WPOD but restrict what can be done within 50-100 feet of wetlands. He stated that the process needs to be fixed.

Mr. Broadrick noted that at times the land within 50-100 feet of wetlands is under Conservation Commission jurisdiction. He suggested that the WPOD could be eliminated and allow the Conservation Commission to permit work performed near wetlands. He noted that the Conservation Commission also has its own lot coverage regulations that help to regulate what is built within 50-100 feet of wetlands. Mr. Wadsworth suggested that he and Mr. Broadrick could meet with the Conservation Commission to discuss the matter.

Mr. Casagrande stated that there is a fairly vocal group that would like to continue density control, and there are also landowners who would like to be able to build whatever they would like on their own land. He stated that there should be a way to capture the WPOD to 50 feet surrounding water bodies and then get the parcel numbers of remaining properties. Mr. Wadsworth stated that perhaps not a large number of parcels would actually be affected.

Mr. Casagrande stated that the WPOD is a major area of discussion for the Zoning Bylaw Review Committee, noting that some of the discussion came after last year's WPOD zoning articles and a desire to get away from the current process of having to go to Town Meeting to move the WPOD district. He suggested that the Conservation Commission should still weigh in but through a special permit process for construction within the WPOD. Mr. Broadrick offered to contact the appropriate Town Hall staff, including the Director of Assessing, the Director of Information Technology, and the Conservation Administrator. He invited Mr. Casagrande to be part of the discussion if he would like.

Lot Coverage / Parking

Mr. Bear suggested that this topic should be addressed once again, including the impact of porous pavement. In previous years a proposed Zoning Bylaw amendment to increase the allowed lot coverage in the Neighborhood Business (NB) Districts from 50 percent to 80 percent was indefinitely postponed. Mr. Wadsworth noted that stormwater demands on parking have increased. Mr. Broadrick noted that the amount of required parking has been shown to limit the size of the structure to be built. He noted that almost all of the lots in NB districts are nonconforming. Another limiting factor is that parking is not allowed over septic structures. Mr. Casagrande stated that all sorts of new drainage systems have been introduced recently, along with porous pavement. He noted that rain gardens are becoming more compact.

Mr. Casagrande suggested that the Planning Board could consider the 80 percent lot coverage amendment without addressing stormwater requirements. He noted that businesses would not be asking for higher lot coverage if they did not need it. Mr. Bear noted that there is very little land available for developing in the NB district.

Mr. Broadrick stated that he would look into the possibility of the impact of increasing the allowed lot coverage from 50 percent to 70 percent. He noted that most surrounding communities have a 70 percent lot coverage maximum.

Undersized Lots

Mr. Broadrick noted that the Zoning Bylaw Review Committee is currently in the process of reviewing Zoning Bylaws in order to make them work better. In addition, the Economic Advisory Committee may need to rezone in order to improve business. He asked if the Planning Board would like to hold off on further amendments.

Mr. Casagrande suggested that among the additional topics the Planning Board might consider would be: parking, solar, WPOD, and undersized lots. He stated that he would like to look at overlay districts for undersized lots, with different requirements for setbacks and lot coverage. He noted that currently any type of work on those lots requires a special permit. Mr. Wadsworth asked if small lots are harmful to the bay, and Mr. Bear responded that, in absence of public sewer systems, they are. Mr. Casagrande stated that changing the zoning requirements would not create more dwellings per lot. Mr. Broadrick noted that Bay Road currently has a sewer system and Mr. Joseph Grady, Conservation Administrator, just received the third of three grants to install stormwater systems. He stated that perhaps Alden Heights needs its own sewer system. Mr. Casagrande stated that the idea would be to change zoning to match what it is currently. Mr. Wadsworth stated that any changes should not increase the impact, and therefore no additional bedrooms should be allowed. Mr. Casagrande stated that the intent would be to lighten restrictions so that property owners could build without a special permit; for example, setbacks and lot coverage. Mr. Wadsworth noted that current setbacks

allow the fire department to access dwellings and set up hoses. Mr. Glennon added that the current setbacks allow for light and air, and Mr. Wadsworth added that fire is less likely to spread with current setbacks.

Mr. Bear asked where the priority areas would be, and Mr. Casagrande stated that one area might be Alden Heights and possibly Gurnet Road. Mr. Bear asked if undersized lots on Washington Street would be considered, and Mr. Casagrande responded that it would not because there is a mix of lot sizes on that street. Mr. Uitti noted that it is a tough call where to draw the line because some lots in town would benefit from setback allowances and others would not. Mr. Wadsworth noted that traffic may not be affected by a change like this, and it is unclear whether septic would be affected.

DISCUSSION: COMPREHENSIVE PLAN UPDATE

Mr. Broadrick stated that two interns have worked on updating data for the Comprehensive Plan, and he intends to complete the update. Mr. Wadsworth noted that it has been difficult for Mr. Broadrick to find the time to work on the Comprehensive Plan to date.

OTHER BUSINESS

The Planning Board addressed Other Business so that Mr. Broadrick could participate prior to leaving the meeting during the Planning Director performance evaluation discussion.

Meeting Minutes:

MOTION: Mr. Uitti made a motion, and Mr. Glennon provided a second, to approve meeting minutes of March 9, 2015 as written and minutes of March 23, 2015 as amended.

DISCUSSION: Mr. Wadsworth stated that the minutes are long and "less is better." Mr. Broadrick stated that more detail does help provide insight for future readers. Mr. Glennon agreed, noting that it has been helpful to him when reviewing past minutes to refresh his recollection of what was discussed.

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

PLANNING DIRECTOR PERFORMANCE EVALUATION

Mr. Broadrick departed the meeting. Board members reviewed Mr. Broadrick's self-evaluation and provided input on their own evaluations.

Ms. Susan Curtis of 110 High Street asked if public input could be provided. Mr. Glennon stated that this is not a public hearing. Ms. Curtis asked what outlet she could use to provide feedback on Mr. Broadrick's performance, and Mr. Wadsworth stated that she could write to Mr. René Read, Town Manager, and he would take into consideration comments from the public throughout the year. Ms. Curtis stated that the Planning Board needs to hear from her. Mr. Wadsworth responded that public comment is not on tonight's Planning Board's agenda. The citizen provided comments that the Planning Board considered.

Mr. Wadsworth stated that Mr. Broadrick attends conferences and site visits outside work hours, travelling as far as Brockton and Boston. He attends evening meetings but the public does not see that. Mr. Wadsworth stated that Mr. Broadrick communicates with him and Town Manager when he will be out sick or on vacation.

Planning Board members then reviewed the evaluation form provided by the Human Resources Department, and provided individual scores for Mr. Wadsworth to average and report to Mr. Broadrick and Town Manager.

ADJOURNMENT

The Planning Board meeting adjourned at 10:10 PM. The next Planning Board meeting will take place on Monday, May 11, 2015 at 7:00 PM at Duxbury Senior Center, Ellison Room, 10 Mayflower Street.

MATERIALS REVIEWED

ZBA Referral, Special Permit: 301 Washington Street / Malone

- ZBA application and materials
- Vision GIS map, aerial photo, and Assessor's property card

Other Business

- Signature pages for Registry of Deeds and Land Court
- Meeting minutes of 03/09/15
- Meeting minutes of 03/23/15
- ZBA decision, 153 & 159 Franklin Street / DAHT

Planning Director Performance Evaluation

- Memo from R. Read et al. dated 04/01/15 re: Performance evaluation blank forms
- Planning Director self-evaluation
- Planning Director additional materials

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