



# Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

## Minutes 10/26/15

The Planning Board met on Monday, October 26, 2015 at 7:00 PM at the Duxbury Town Hall, Small Conference Room.

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

Absent: Jennifer Turcotte.

Staff: Valerie Massard, Planning Director; and Diane Grant, Administrative Assistant.

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

### OPEN FORUM

Zoning Bylaw Review Committee (ZBRC): Mr. Casagrande reported that he and Ms. Judi Barrett are working with Atty. George Hall of Anderson & Kreiger, the ZBRC consultant, to discuss the status of reviews performed to date. He expects 4-5 proposed zoning articles for Annual Town Meeting 2016.

Open Space Committee: Mr. Glennon reported that the Open Space Committee met recently, and Ms. Lorrie Hall is interested in bringing back the proposed tree preservation bylaw. Mr. Bear asked if the bylaw has the support of the Open Space Committee, and Mr. Glennon replied that no vote was taken by the Open Space Committee.

Community Preservation Committee (CPC): Ms. Ladd Fiorini reported that the CPC recently heard a presentation by the Sidewalk & Bikepath Committee regarding a proposal for a sidewalk/bike path on Alden Street and Railroad Avenue, noting that progress appears to be an uphill battle. She noted that three articles were submitted to the CPC for Annual Town Meeting 2016.

Planning Director: Mr. Wadsworth welcomed Ms. Valerie Massard as the town's new Planning Director effective October 16, 2015. He reported that he had met with Ms. Massard to bring her up to speed. He thanked the Interim Planning Director, Ms. Mary Elizabeth Burgess, and Diane Grant, administrative assistant, for their help since the departure of the former Planning Director, Mr. Thomas Broadrick, in early July.

Logan Airport Environmental Data Report: Ms. Massard advised the board that Massport has issued its annual Environmental Data Report on environmental conditions at Logan Airport. Comments are due by November 6, 2015. She noted that more information is available at [massport.com](http://massport.com).

**PLANNING BOARD DISCUSSION RE: MBTA ADVISORY REPRESENTATIVE**

Present for the discussion was Mr. Richard Prone, who is interested in becoming the Town of Duxbury representative to the MBTA Advisory Board. Mr. Wadsworth noted that Ms. Turcotte, the representative appointed by the Board of Selectmen in June 2015, could not attend tonight's meeting. Mr. Wadsworth recommended that Mr. Prone serve as alternate until next June when the Board of Selectmen routinely addresses appointments for the upcoming fiscal year. As an alternate, Mr. Prone could attend meetings when Ms. Turcotte is not available.

Mr. Prone stated that he had twice been appointed as MBTA representative, and twice had been removed. He stated that he has been active as the governor's council representative on the Old Colony citizen's advisory committee, and served as co-chair of the Back on Track citizen group that restored the Greenbush rail line. In addition, Mr. Prone was a railroad engineer for 40 years. He stated that he got involved when commuter rail service ended in July 2012 and helped to bring back weekend service to the South Shore. If he were to be appointed, his immediate goal would be to consolidate the Kingston/Plymouth lines. He referenced a recent Boston Globe article that reported that trains currently go backwards from Kingston to Plymouth before going to Boston. He stated that he is interested in coordinating the GATRA bus with the commuter rail schedule. He stated that he would like to see better train service overall to benefit the Town of Duxbury and the South Shore. He stated that he would hate to waste time as an alternate, and he believes he has earned the appointment.

Mr. Uitti noted that Mr. Prone appears to be well qualified and passionate. He stated that his understanding is that Ms. Turcotte is agreeable to stepping down in order for Mr. Prone to take the position; however, the Planning Board should discuss the matter.

Mr. Casagrande stated that it is not essential for the MBTA representative to be a Planning Board member.

Mr. Glennon asked why Mr. Prone had been twice removed from the position, and Mr. Prone responded that it was because he was not on the Planning Board. He stated that he is also interested in promoting family fares and later train service that would allow families to take the commuter rail to sporting and cultural events in Boston for an affordable rate.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to recommend that the Board of Selectmen appoint Mr. Richard Prone as Duxbury representative to the MBTA Advisory Board.

**DISCUSSION:** Mr. Wadsworth stated that he would like to know if it is required for a Planning Board member to be the MBTA Advisory representative. Mr. Bear asked how the Planning Board could obtain further information regarding why Mr. Prone was removed as MBTA representative, adding that it makes sense to him that the MBTA rep should be a Planning Board member. Mr. Casagrande stated that the Board of Selectmen and Town Manager could do the vetting on why Mr. Prone was previously removed from the position. Mr. Casagrande asked if Ms. Turcotte would need to resign her position, and Mr. Wadsworth replied that she would. Mr. Glennon asked if Mr. Prone is appointed, then who would serve as alternate?

**AMENDMENT:** Mr. Wadsworth made a motion, and Mr. Uitti provided a second, to recommend the appointment of Mr. Prone subject to a written report by Mr. Prone after each MBTA Advisory Group meeting. Ms. Ladd Fiorini and Mr. Bear agreed with the amendment.

**VOTE ON AMENDMENT:** The amendment passed unanimously, 6-0.

**SECOND AMENDMENT:** Mr. Wadsworth made a motion, and Mr. Uitti provided a second, to recommend the appointment of Mr. Prone subject to the written resignation of Ms. Turcotte from the MBTA Advisory Group. Ms. Ladd Fiorini and Mr. Bear agreed with the amendment.

**VOTE ON SECOND AMENDMENT:** The second amendment passed unanimously, 6-0.

**VOTE ON ORIGINAL MOTION AS TWICE AMENDED:** The motion carried unanimously, 6-0.

Mr. Wadsworth advised Mr. Prone that the Board of Selectmen is the appointing authority, and the Planning Board will make its recommendation known to the Board of Selectmen. Mr. Uitti thanked Mr. Prone for his volunteer service to the Town of Duxbury.

### **ANR PLAN OF LAND: 505 FRANKLIN STREET / BURPEE & GUNDERSON**

Present for the discussion was the applicant's representative, Mr. Mark Casey of South Shore Survey in Kingston. Mr. Uitti recused himself from the discussion and vote because his employer is engaged in an active matter with Mr. Burpee. Board members reviewed this proposal to divide an existing dwelling lot on land that is zoned Residential Compatibility and Wetlands Protection Overlay District, with a very small portion within the Aquifer Protection Overlay District.

Mr. Casey stated that the proposed plan shows adequate area and frontage for a single family dwelling on the new lot. Mr. Glennon noted that the Planning Board can only base its vote on frontage, and it appears that both lots have the requisite 200 feet of frontage on Franklin Street. Mr. Wadsworth noted that wetlands lines shown on this ANR plan have not been approved by the Conservation Commission.

**MOTION:** Mr. Glennon made a motion, and Mr. Casagrande provided a second, to approve a plan of land entitled, "Plan of Land at #505 Franklin Street, Duxbury, MA 02332, Assr's #040-001-305 dated October 3, 2015; drawn by South Shore Survey Consultants, Inc, 167R Summer Street, Kingston, MA 02364; stamped and signed by William E. Rainey, RLS, on October 3, 2015; scale 1" = 40,' one sheet, as not requiring approval under Subdivision Control Law.

**VOTE:** The motion carried unanimously, 5-0, with Mr. Uitti recusing himself from the vote.

Planning Board members endorsed the mylar and two paper copies of the plan, and the mylar was released to Mr. Casey.

### **AS-BUILT REVIEW AND PERFORMANCE BOND REDUCTION REQUEST: CAPE VERDE TERRACE DEFINITIVE SUBDIVISION, OFF FRANKLIN STREET / DRIVER**

No one was present for the discussion. Ms. Ladd Fiorini noted that the original applicant, Ms. Doreen Driver, had recently passed away. Board members reviewed an As-Built plan submitted by Webby Engineering in Plympton.

Mr. Wadsworth noted a cover letter had been submitted by Webby Engineering requesting to use NGVD89 datum instead of the NAD83 horizontal datum coordinates required in Subdivision Rules and Regulations. Ms. Massard explained that the engineers used existing available datum from the field. Using NAD83 datum would require either bringing the elevation datum from a faraway point that is known, or reworking all of the calculations on the plan, which would be expensive. Mr. Glennon asked if a new survey is done in the future, could the datum be able to be converted to NAD83 from the submitted plan, and Ms. Massard confirmed that it

could be converted in the future. Mr. Glennon stated that this is an administrative change and not a substantive change to the Definitive Subdivision.

Mr. Wadsworth noted that concrete bounds appear to be in place.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Uitti provided a second, to accept an As-Built plan entitled, "As-Built Plan of 'Cape Verde Terrace' in Duxbury, Massachusetts" dated October 30, 2013, latest revision August 10, 2015, drawn by Webby Engineering Associates, Inc. 180 County Road, Plympton, MA 02367, allowing NGVD29 datum to be used for horizontal coordinates because it is existing and available.

**VOTE:** The motion carried unanimously, 6-0.

Board members then addressed Mr. F. William Driver's written request to release the performance bond for this Definitive Subdivision, and reviewed an email from Mr. Patrick Brennan of Amory Engineers, the consulting engineer, noting that all work had been completed and vegetation is well established.

**MOTION:** Mr. Uitti made a motion, and Ms. Ladd Fiorini provided a second, to release the performance bond for Cape Verde Terrace Definitive Subdivision, based on the recommendation of the consulting engineer.

**VOTE:** The motion carried unanimously, 6-0.

#### **MINOR MODIFICATION, DEFINITIVE SUBDIVISION: GUDRUN WAY, OFF FRANKLIN STREET / BARTLETT**

No one was present to represent this request to relocate the proposed driveway and revise the stormwater detention area in order to minimize grading, according to a site plan dated October 13, 2015 drawn by Seacoast Engineering. Ms. Massard noted that the requested changes are field changes, not a modification, that were made in order to minimize grading. She noted that the driveway turnaround had changed by approximately 15-20 feet in order to place it between contours. In addition, a garage has been added to the dwelling, and one rain garden has been relocated slightly. The driveway is now located closer to the dwelling in order to minimize grading. She confirmed that there are no significant changes to the roadway.

Mr. Wadsworth agreed that this is not a major modification which would have required a public hearing. Ms. Massard added that there is no change to the drainage. Mr. Casagrande noted that there are no changes to the roadway layout. Board members agreed that they had no issue with the proposed field changes. Mr. Glennon noted that no action is required from the Planning Board.

#### **ECONOMIC ADVISORY COMMITTEE UPDATE ON HALL'S CORNER REVITALIZATION**

Mr. Bear reported as chair of the Economic Advisory Committee (EAC). He noted that the results of studies performed by the Old Colony Planning Council and Metropolitan Area Planning Council through local assistance grants produced many recommendations that have been prioritized by the EAC as follows:

- Fix the rotary signage and parking
- Maintain the town infrastructure elements
- Develop a streetscape, façade and lighting approaches to improve appearance and cohesion
- Pursue opportunities in retail and restaurants
- Pursue development of Standish Street / Bay Road section

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

- Evaluate a zoning overlay district
- Provide crosswalks and bikeways.

Mr. Bear stated that the EAC would like Ms. Massard's assistance in researching other towns that have utilized a redevelopment agency. He stated that there is an opportunity for redevelopment of the space between Standish Street and Bay Road, noting that in Hingham the Planning Board was the redevelopment authority. Mr. Wadsworth noted that a redevelopment authority would be a drastic concept and he is not sure that town residents would support it.

Mr. Bear stated that the EAC is considering a new zoning district that would allow third story apartments above businesses. The EAC is also considering a ban on professional services in Hall's Corner, in order to promote retail. He noted that the Town of Hingham has done this successfully. Mr. Casagrande noted that he liked the MAPC vision for Hall's Corner but more parking may be required in order to allow third floor apartments. Mr. Bear noted that the businesses and renters use the parking spaces at complementary hours.

Mr. Bear stated that one more stop / yield sign may be needed at Hall's Corner. Mr. Wadsworth noted that it is a good idea and recommended that the EAC first look into funding a survey of Hall's Corner.

## PLANNING BOARD RECOMMENDATIONS RE: APPOINTMENTS TO REGIONAL PLANNING AGENCIES

Mr. Wadsworth noted that the Board of Selectmen is looking for recommendations to fill appointments previously filled by former Planning Director, Mr. Thomas Broadrick. Ms. Massard indicated her willingness to serve as Town of Duxbury representative to both regional planning agencies.

**MOTION:** Mr. Uitti made a motion, and Mr. Casagrande provided a second, to recommend the appointment Ms. Valerie Massard as Town of Duxbury representative to the Metropolitan Area Planning Council, and the appointment of Mr. Wadsworth as alternate.

**VOTE:** The motion carried unanimously.

Mr. Wadsworth noted that the Board of Selectmen had appointed him to serve as Old Colony Planning Council (OCPC) representative, and he would prefer to retain his previous position as OCPC alternate.

**MOTION:** Mr. Glennon made a motion, and Mr. Uitti provided a second, to recommend appointment of Ms. Valerie Massard as Town of Duxbury representative to the Old Colony Planning Council, and the appointment of Mr. George Wadsworth as alternate.

**VOTE:** The motion carried unanimously, 6-0.

Mr. Bear asked if the Planning Board should consider the possibility of going back to belonging only to the OCPC. Mr. Casagrande, who serves as Town of Duxbury representative to the South Shore Coalition of the MAPC, stated that he has attended a few meetings and the MAPC appears to have done a good job on the Hall's Corner study. Mr. Bear agreed that the South Shore Coalition has been useful to the Town of Duxbury.

**MOTION:** Mr. Uitti made a motion, and Ms. Ladd Fiorini provided a second, to recommend appointment of Ms. Valerie Massard as Town of Duxbury alternate to the South Shore Coalition of the MAPC.

**VOTE:** The motion carried unanimously, 6-0.

**ZBA REFERRAL, SPECIAL PERMIT: 38 OCEAN AVENUE / DILLON**

Board members reviewed this special permit application to raze and reconstruct a pre-existing nonconforming single-family dwelling (encroaching on setbacks and exceeding allowable coverage) on a pre-existing nonconforming undersized lot of 5,244 square feet. Mr. Casagrande noted that the current lot coverage is 29.5 percent, and Mr. Wadsworth noted that the proposed lot coverage is 32.5 percent. Mr. Casagrande noted that according to the "3% Rule" a property owner is allowed an additional 3 percent of the difference between 20,000 and the lot size.

Mr. Wadsworth asked if at some point property owners should pay attention to current zoning, and Mr. Casagrande stated that it is not an issue as long as the proposal is not deemed detrimental to the neighborhood, noting that the neighbors will probably support the proposal because a garage will be torn down.

Mr. Casagrande noted that the proposed new dwelling would be closer to the rear lot line than allowed under current zoning. Mr. Wadsworth noted that the proposed side setbacks are 3.5 feet. Mr. Casagrande noted that the side setbacks are the same. Ms. Ladd Fiorini noted that the property owner is razing the existing dwelling. Mr. Glennon stated that with a teardown the property owners have an opportunity to conform or at least improve any nonconformities. Mr. Casagrande agreed that there appears to be room to move the new dwelling closer to the front of the property in order to avoid rear setback nonconformity.

Mr. Wadsworth suggested that the Planning Board has an opportunity here to make a statement to the Zoning Board of Appeals. Mr. Bear stated that the Planning Board should point out that the existing coverage is double what is permitted already.

Mr. Casagrande suggested that the Planning Board consider deferring judgment and letting the Zoning Board of Appeals determine whether the proposal would be more detrimental to the neighborhood. Mr. Bear stated that it is detrimental because the property owner did not take the opportunity to decrease a nonconformity.

**MOTION:** Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to recommend DENIAL to the Zoning Board of Appeals regarding ZBA case #2015-14, 38 Ocean Avenue / Dillon, a proposal to raze and reconstruct a single-family dwelling on a pre-existing nonconforming lot of 5,224 square feet, noting the following:

- The original coverage is double the amount allowed under current zoning.
- The current application does not appear to take the opportunity to improve setbacks or coverage nonconformities.
- The proposed front setback does not conform with current regulations and could be detrimental to the neighborhood.

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

**PLANNING BOARD DISCUSSION: RECENT BOARD OF HEALTH CHANGES TO REGULATIONS TO ALLOW MOUNDED SEPTIC ON RESIDENTIAL LOTS**

Mr. Wadsworth noted that a 2002 report on mounded septic systems from Horsley Witten to the Board of Health states concerns that under certain conditions such as a 100-year storm on a property with a high water table, pollutants would run off of a mounded hill. He noted that tonight's ANR application on Franklin Street was a result of the Board of Health's new regulations posted with Town Clerk on September 1, 2015 that allow mounded septic systems on residential lots. Mr. Wadsworth reported that Ms. Tracy Mayo, Health Agent, advised him that the current Board of Health does not agree with the findings in the Horsley Witten report. He noted that the state allows mounded systems.

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Mr. Wadsworth stated that this change may have a potential impact on increasing density in the town, although he is not sure how many units would be added. Mr. Casagrande asked if there would be a way to determine how many properties would be developable with the new regulations. Mr. Wadsworth responded that it would be difficult to determine because depth of groundwater is unknown. He stated that the Board of Health could count the number of denials in the past ten years due to the requirement for a mounded septic system. Mr. Bear stated that Duxbury Construction could provide a broader picture of properties that did not pass percolation requirements.

## PLANNING BOARD DISCUSSION: SOLAR PANELS

Mr. Wadsworth stated that on a recent trip to Europe he saw extensive use of solar panels on former farmland, especially in Germany. Mr. Casagrande offered to provide a photograph he took of a ground-mounted solar panel on a residential property in another town in Massachusetts. Mr. Wadsworth suggested that the topic continue at the next Planning Board meeting.

## OTHER BUSINESS

Government Study Committee: Mr. Wadsworth reported that he has been attending some Government Study Committee meetings, noting that a recent draft survey asks for extensive information and needs work. Mr. Casagrande asked if the Government Study Committee is discussing the role of the Planning Director, and Mr. Bear noted that the Board of Selectmen had been discussing it because the Town Manager, Mr. René Read had wanted to go in the direction of asking the Planning Director to provide administrative assistance to the Zoning Board of Appeals. At least partially for this reason, the Board of Selectmen formed a Government Study Committee. Mr. Wadsworth noted that the several members of the Finance Committee serve on the Government Study Committee. He stated that he would continue to attend meetings.

## ADJOURNMENT

Planning Board meeting adjourned at 9:25 PM. The next Planning Board meeting will take place on Monday, November 9, 2015 at 7:00 PM at Duxbury Town Hall, Small Conference Room, 878 Tremont Street.

## MATERIALS REVIEWED

### Planning Board Discussion re: MBTA Advisory Representative

- BOS minutes of 06/29/15
- Email from A. Murray to D. Grant dated 08/24/15 re: R. Prone talent bank
- Emails between R. Prone, A. Murray and D. Grant dated 08/26/15 – 08/27/15 re: scheduling with PB

### ANR Plan of Land: 505 Franklin Street / Burpee & Gunderson

- ANR application and plan submitted on 10/05/15
- Vision GIS map, aerial photo and Assessor's property card

### As-Built Review and Performance Bond Reduction Request: Cape Verde Terrace Definitive Subdivision / Driver

- Cover letter from Webby Engineering submitted on 09/21/15
- Letter from P. Brennan dated 09/22/15 re: As-Built review
- Emails between M.E. Burgess, G. Hebert and P. Brennan re: Datum request
- Request for release of performance bond submitted 10/14/15
- Email from P. Brennan dated 10/19/15 re: Performance bond release

### Minor Modification, Definitive Subdivision: Gudrun Way, off Franklin Street / Bartlett

- Cover letter dated 10/13/15 submitted by Seacoast Engineering
- Site Plan for 200 Franklin Street dated 10/13/15

**Economic Advisory Committee Update on Hall's Corner Revitalization**

- Presentation outline by J. Bear dated 09/28/15
- BOS minutes of 06/29/15

**Planning Board Recommendations re: Appointments to Regional Planning Agencies**

- Letter from M. Draisen of MAPC dated 07/20/15
- PB minutes of 07/27/15 (MAPC)
- Email from A. Murray dated 10/13/15 re: MAPC Fall Council Meeting 10/29
- MAPC South Shore Coalition information
- BOS minutes of 06/29/15 (GW appointed as OCPC delegate)
- Letter from P. Ciarmella dated 09/29/15 re: OCPC MPO
- PB Committee Appointments spreadsheet

**ZBA Referral, Special Permit: 38 Ocean Avenue / Dillon**

- ZBA materials submitted to the Planning Office on 09/30/15
- Vision GIS map, aerial photo, and Assessor's property card

**Planning Board Discussion: Recent Board of Health Changes to Regulations to Allow Mounded Septic on Residential Lots**

- Board of Health changes in regulations posted with Town Clerk on 09/01/15
- Horsley Witten Evaluation of Mounded Septic Systems prepared for the Duxbury Board of Health in March 2002

**Planning Board Discussion: Solar Panels**

- "Already Paying Off" *Boston Globe* letter to editor dated 10/15/15

**Other Business**

- ATM 2016 Call for Articles
- PB Contact List updated 10/19/15
- Construction Cost Estimates for September 2015
- Government Study Committee draft resident survey

**ZBA Decisions**

- 319 Powder Point Avenue / Nelson
- 302 Washington Street / Beaver & Briere
- 148 Grand View Avenue / Sanmarco

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