



Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

Minutes 04/27/16

The Planning Board met on Wednesday, April 27, 2016 at 7:00 PM at the Duxbury Town Hall, Mural Room.

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

Absent: Jennifer Turcotte and David Uitti.

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

Mr. Glennon called the meeting to order at 7:01 PM.

OPEN FORUM

Zoning Bylaw Review Committee (ZBRC): Mr. Casagrande reported that he and Ms. Judi Barrett, ZBRC chair, had met recently with town officials and advisors to try to get back on track. He stated that a ZBRC meeting has been scheduled for May 10 and they hope to have some articles prepared for next Annual Town Meeting.

Battelle Property: Ms. Massard reported that she was made aware on Monday that a purchase & sales agreement had been signed by Battelle and Mr. Diamond, a local developer. She stated that Mr. Diamond may propose re-zoning of the property for Special Town Meeting this fall. She and Mr. René Read, Town Manager, are meeting with the Diamond group next week. She stated that the proposed development will most likely be residential.

Open Space Committee: Mr. Glennon reported that the Open Space Committee had two special guests at its most recent meeting: Ms. Massard and Mr. Peter Buttkus, DPW Director. He stated that they provided a great deal of information on their areas of expertise and the committee learned a lot. Ms. Massard stated that it was good to meet with the Open Space Committee and they are working on many projects ranging from sea level rise to connecting open space to the update of the Open Space Plan.

ADMINISTRATIVE NOTES

ZBA Referral, Special Permit: 26 Winslow Street / Jacobson: Mr. Glennon asked Ms. Massard to present the proposal. Ms. Massard noted that the applicants are proposing to raze and rebuild a single-family dwelling and detached garage on relatively the same footprints on a 5,700 square foot lot. A special permit is required for lot coverage and front and rear setbacks. She noted that the proposed plan shows a reduction in intensity from the existing 8.4 foot setback to a proposed 9 foot setback. The applicants propose to renovate an existing detached garage and are leaving the driveway in the same location. The building footprint will go from 650 square feet to 900 square feet on this undersized lot.

Ms. Massard noted that the Planning Board does not have the benefit of input from abutters who might attend the Zoning Board of Appeals (ZBA) public hearing. Mr. Glennon noted that the Planning Board does not have input from abutters with objections who cannot attend the public hearing. Ms. Massard also noted that the Planning Board does not have input from other town departments such as the Fire Department and Board of Health.

Mr. Wadsworth stated that he continues to be concerned with razing and rebuilding on small lots with coverage well above 15 percent because the amount of impervious area is an important consideration in stormwater management. He stated that he hopes that the Planning Board would make a comment on this because this application is well above even the "3% Rule."

Mr. Casagrande stated that the applicants have made a good effort not to overreach the amount of coverage, such as reducing the size of the detached garage, and this neighborhood has a number of small lots. He suggested that a new overlay district could be considered for the Town of Duxbury for small lots that would provide realistic setback and coverage standards. He noted that this appears to be a modest sized house on a small lot which is in keeping with the neighborhood. Many of the houses were former summer cottages that are being converted to year-round living spaces.

Mr. Bear stated that the Planning Board needs to make its referral based on current zoning bylaws. He asked why it would make sense to tear down a dwelling and increase coverage.

Ms. Massard stated that the application is proposing a small change on a small lot, which is a very common situation. The dwelling is a modest size and there is a decrease in setback. In order to have today's amenities it may require to add to the coverage percentage. She noted that the existing Zoning Bylaws are based on one-acre lots and this is a pre-existing grandfathered lot. In this case by adding a deck it increases coverage.

Mr. Bear noted that the deck is not counted into the coverage calculations. He noted that the "3% Rule" was added to Zoning Bylaws to provide flexibility for applications on small lots. He stated that the current application appears to be adding 11 percent more than the 3 percent difference.

Mr. Casagrande stated that the existing lot coverage is over the 15 percent plus "3% rule." He noted that the applicants are not asking for a lot more than what they have now and it appears that their intent is thoughtful. He stated that there is no way to make it conform now.

Mr. Glennon stated that the proposal appears to be attempting to improving setbacks. He asked a technical question about the site plan.

Mr. Wadsworth noted that the footprint of the dwelling is increasing from 650 square feet to 900 square feet, which is significant. He stated that the increase in the size of dwelling appears to be driving the problem and the size may be larger than appropriate for the lot.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to defer judgment to the Zoning Board of Appeals regarding Special Permit #2016-10, 26 Winslow Street / Jacobson, to raze and rebuild a pre-existing nonconforming structure, which encroaches in the side and rear setbacks and exceeds the allowable coverage, noting that the proposal will increase the existing lot coverage.

VOTE: The motion carried unanimously, 5-0.

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DISCUSSION WITH MR. RICHARD PRONE RE: MBTA ADVISORY UPDATE

Mr. Glennon invited Mr. Prone to update the Planning Board on his work as Town of Duxbury representative to the MBTA Advisory Board.

Mr. Prone distributed several documents to the Planning Board:

- Letter from R. Prone to Board of Selectmen dated 02/24/16 re: summary of MBTA Advisory activity November 2015 – February 2016
- “MBTA Advisory Board Activity (continued from 2-9-16)” re: update February 2016 – April 2016
- Hand drawn color map entitled, “Kingston-Plymouth Road – Rail Distances”
- Color photo 8.5” x 11.0” entitled, “1,100-Car Kingston Lot 2/3 Empty – Thurs, 3/31.”

Mr. Prone stated that although the railroad business takes a long time to get things done, he believes they are making progress. He referenced his February letter to the Board of Selectmen. He noted that he had updated the MBTA Advisory activities for tonight’s meeting. Mr. Prone stated that he is on the commuter rail subcommittee and they are trying to improve the quality of rail service. He stated that ridership has decreased dramatically on the Kingston commuter train because it stops in Plymouth for 45 minutes to one hour on its way to the Kingston station. He stated that he could walk from the Kingston station and arrive in 15 minutes. He stated that it is understandable that it takes time to move the train, but this delay is offputting to riders. He showed Planning Board members a color map showing the distance between the stations and a color photo showing the empty parking lot at the Kingston commuter station on a typical weekday morning.

Mr. Prone stated that the Commuter Rail Subcommittee voted unanimously to urge the MBTA Fiscal & Management Control Board (FMCB) to discontinue the practice of trying to serve the Kingston and Cordage stations with the same train. He stated that a bus could be used to transport riders from Kingston to Cordage Park. The FMBC voted to support this change, so there is a good chance that the practice will discontinue in the future.

Mr. Prone reported that State Rep. Thomas Calter created a coalition to improve commuter rail service and lower fares. Effective in July a 9 percent fare increase will go into place, but there is a pilot program that would chop fares in half especially on weekends. He stated that he believes ridership would increase if fares were cut. He noted that the MBTA appears to be losing riders to the local commuter bus service. The commuter rail charges \$4.00 for parking and the commuter bus parking is free.

Mr. Prone stated that he is trying to help improve service. He recently noticed an error in the schedule on a federal holiday and distributed correct schedules to riders.

Mr. Glennon thanked Mr. Prone for his presentation and for his volunteer service on the MBTA Advisory. He asked if Mr. Prone would be interested in continuing to serve, and Mr. Prone responded that he would.

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

VOTE: The motion carried unanimously, 5-0.

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ELECTION OF PLANNING BOARD CLERK AND COMMITTEE APPOINTMENTS

Mr. Glennon stated that at the last Planning Board meeting Ms. Ladd Fiorini was not present to say whether she wanted to continue serving as Planning Board Clerk. Mr. Glennon asked Ms. Ladd Fiorini if she is willing to continue to serve, and she replied that she is.

MOTION: Mr. Bear made a motion, and Mr. Casagrande provided a second, to nominate Ms. Ladd Fiorini as Planning Board Clerk.

DISCUSSION: Mr. Glennon asked if there were any other nominations, and there were none.

VOTE: The motion carried unanimously, 4-0-1, with Ms. Ladd Fiorini abstaining.

Mr. Glennon addressed one remaining committee appointments for a Planning Board recommendation to the Board of Selectman for Planning Board representative on the Community Preservation Committee (CPC). Mr. Glennon asked Ms. Ladd Fiorini if she is interested in continuing to serve on the CPC, and Ms. Ladd Fiorini replied that she is.

MOTION: Mr. Wadsworth made a motion, and Mr. Casagrande provided a second, to recommend that the Board of Selectmen re-appoint Ms. Ladd Fiorini as Planning Board representative to the Community Preservation Committee upon term expiration on June 30, 2016.

VOTE: The motion carried unanimously, 5-0.

DISCUSSION: DRAFT POLICY OR GUIDELINES REGARDING CITIZEN PETITIONED OR COMMITTEE-INTRODUCED ZONING AMENDMENTS

Ms. Massard requested to address the results of the last meeting’s brainstorming session on Planning Board priorities in conjunction with discussing the draft policy regarding zoning amendments. Ms. Ladd Fiorini apologized that she was out of the country and did not see an email asking for her feedback.

Planning Board members reviewed a handout entitled “Planning Board Priorities Discussion April 2016.” Ms. Massard noted that the Comprehensive Plan update and addressing climate change had risen to the top of the priorities discussed by the Planning Board at its last meeting. Next on the list was zoning amendments. Ms. Massard stated that lack of adequate time for review was the reason this year’s Zoning Bylaw amendments failed to move forward. In this case various committees submitted zoning amendments late in the process with little information. She stated that an increasing number of zoning articles come in with no process in place. She suggested a process through her Draft Policy for Citizen Petitioned or Committee-Introduced Zoning Amendments document dated March 25, 2016 that would outline the 4-6 month process for introducing zoning amendments. She recommended that the Planning Board and Board of Selectmen consider working with committees including the Zoning Bylaw Review Committee (ZBRC) to determine the following:

- What are the priorities?
- What can the boards handle?
- What can the Planning Director handle?

Ms. Massard noted that the Planning Department has limited staffing. She asked Planning Board members to consider the draft policy and discuss it with the Board of Selectmen.

Mr. Glennon noted that the intent appears to be to stretch out the process so it is more easily digested. Mr. Wadsworth noted that the ZBRC has not met since Annual Town Meeting. Mr. Casagrande stated that the ZBRC has a meeting scheduled for May, and Mr. Wadsworth stated that it will be useful for the ZBRC

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members to meet and discuss the results of Annual Town Meeting. Ms. Massard noted that the consultant has been unavailable since Annual Town Meeting due to a family medical issue.

Mr. Bear noted that the key is to have final language before coming to the Planning Board for the public hearing, because otherwise the language will be different from the warrant. He stated that the Planning Board should be the instigators of any substantial change to the Zoning Bylaws, and they have not been late

Ms. Ladd Fiorini stated that she read through the draft policy as a layperson and she found it slightly confusing. She recommended that it might be useful to incorporate a timeline within the guidelines. Mr. Glennon suggested a time flow chart.

Mr. Wadsworth stated that he liked the idea of the policy, noting that proponents should do their own outreach to gain a constituency. He recalled that CPZBIC, the committee that created the current version of the Zoning Bylaws, did a lot of outreach. Ms. Massard suggested that the Planning Board could advise committees, and Mr. Glennon noted that the Planning Board had done that, but committees do not always think of making a change until it is too late.

Ms. Massard agreed to revise the draft policy for the next Planning Board meeting.

PLANNING DIRECTOR REPORT

ANR, Saint George Street: Ms. Massard reported that an incomplete ANR plan had been submitted to the Planning office. Mr. Glennon noted that this ANR is not on the agenda and materials were not included in the Planning Board's packets. Ms. Massard requested that the Planning Board make a formal finding that this is an incomplete application in order to eliminate any misunderstanding regarding the 21-day constructive approval.

MOTION: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, that the Planning Board finds that an application for an Approval Not Required Plan of Land entitled, "Plan of Land Showing a Division of Parcel 117-015-000, 105 St. George Street, Duxbury, Massachusetts," dated April 7, 2016 is incomplete and the 21-day approval period has not been triggered, and that the Planning Board prefers that the applicants sign an extension form.

DISCUSSION: Mr. Bear questioned why the Planning Board was addressing an ANR that had not been signed by both property owners and the applicants had not paid the application fee and the ANR application had not been stamped with Town Clerk. Mr. Wadsworth noted that if the application is incomplete the Planning Board cannot act. He asked if the Planning Board should make a motion to deny the application without prejudice instead. Ms. Massard replied that the Planning Board has the option to deny. Mr. Glennon pointed out that the ANR is not on tonight's agenda. Mr. Casagrande asked if the topic could be placed on the next Planning Board agenda, and Mr. Wadsworth pointed out that it would be beyond 21 days of submittal. Mr. Bear noted that the clock has not started because it has not been stamped in by Town Clerk. Ms. Massard stated that she wants to avoid any misunderstanding because she was told that she would receive a signed extension form and she had not, so it is in the best interest for the Planning Board to deem the ANR application incomplete. Ms. Ladd Fiorini stated that the current motion should be sufficient. Mr. Glennon agreed.

VOTE: The motion carried unanimously, 5-0.

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Comprehensive Plan Update: Ms. Massard noted that the Comprehensive Plan update is a topic on a document in the Planning Board's packet entitled, "Draft Scheduling Template 2016-2017, Tentative – For Discussion and Planning Purposes Only." She stated that at the next Planning Board meeting she would provide a list of potential consultants. She stated that no formal process is required but the Planning Board may want to interview potential consultants. She stated that a list of potential stakeholders would also be provided in the next Planning Board packet, and possibly a draft survey. Ms. Massard noted that surveys have already been issued this year from the Open Space Committee and the Government Study Committee. Mr. Wadsworth noted that the Duxbury Affordable Housing Trust also did a survey a couple of years ago, and Ms. Massard offered to reach out to the consultant who wrote their report.

Mr. Wadsworth asked if the Comprehensive Plan Update consultant would create a survey, and Ms. Massard responded that the consultant would review/edit it and would guide community outreach. Mr. Wadsworth asked if a build-out analysis is anticipated, and Ms. Massard replied that it is a possibility and the Planning Board would get feedback from the consultant on next steps. She noted that technical assistance grants may be available to do this type of work if needed. Mr. Glennon suggested that every upcoming Planning Board agenda include "Comprehensive Plan Update."

Ms. Massard then reviewed the Draft Scheduling Template showing action goals for each month through Annual Town Meeting 2017. Mr. Glennon stated that he was pleased to see this timeline. Planning Board members agreed it was an excellent guideline.

Water / Stormwater Overview: Ms. Massard reported that there is a new EPA permit and the local DPW is charged with handling it at Town Hall. She noted that drainage issues are important for the Planning Board. She distributed two maps to Planning Board members in addition to the materials in their packets:

- "Town of Duxbury – DEP Map Impaired Waters" dated 04/20/16
- "Massachusetts NPDES Phase II Stormwater Program Automatically Designated MS4 Areas."

Ms. Massard noted that on the Impaired Waters map the problem areas are marked in red showing waters with a Total Maximum Daily Load (TMDL) allowed for certain pollutants into these waters. She stated that the Town of Duxbury will continue to do what it can to improve water quality. She noted that the EPA is looking at developed areas with the goal of being careful about what kind of stormwater discharges go into the harbor.

Ms. Massard noted on the NPDES map discharges are not coming out of a pipe and they are looking at non-point source pollutants. She stated that the concern according to these maps is offshore waters, specifically water quality, fish health, drinking water, recreational waters. In response the EPA has issued rules and the state has responded that it will not take on the enforcement at this time, so the EPA will continue to enforce these rules. Ms. Massard noted that local Site Plan Review and subdivision control may need to be revised with the aim of reducing the amount of contaminants going into our waters.

Mr. Wadsworth noted that he has been talking about stormwater issues for years. He stated that he has requested to be invited to meetings of the Bay Management Commission but they appear to have no interest, which surprises him. He stated that he had wanted to warn the Bay Management Commission that this EPA permit is coming. He noted that the state does not want to be involved with local water utilities, so there is no one to talk to about local roads and parking lots. He stated that it is good to see that the state is starting to address contaminants of concern such as phosphates and nitrates. Mr. Wadsworth stated that the Planning Board has seen creative designs to address stormwater concerns, such as grassy swales that filter nitrogen. He stated that the Planning Board will need to adopt current standards and methodologies and embed them in local Administrative Site Plan Review and Subdivision Rules and Regulations.

Mr. Glennon stated that the effect of fertilizer needs to be addressed, and Mr. Wadsworth agreed, noting that stormwater needs to be directed to stay on the lawn so it will filtrate through the grass rather than going into storm drains on the street.

FEMA Map Update: Ms. Massard noted that a letter from FEMA is expected next week that will inform the Town of Duxbury on when the new maps will need to be adopted. She stated that there may be a Special Town Meeting scheduled for the last week in September.

Special Town Meeting: Ms. Massard reported that there may be several other articles brought forward for Special Town Meeting, such as Battelle rezoning; other Town Manager items; citizen petitions; and zoning maps that require Zoning Bylaw amendment to reference map dates. She stated that she is working on the review of a conversion policy for public vs. private roads; and discrepancies between Annual Town Meeting votes and Zoning Bylaws. Mr. Glennon thanked Ms. Massard for her work. Mr. Casagrande agreed, noting that there are a lot of issues to be addressed.

Mr. Wadsworth asked if Subdivision Rules & Regulations would be re-written, and Ms. Massard replied that it will not be addressed this year because of the Zoning Bylaw, zoning maps, FEMA maps, Comprehensive Plan update and other higher priorities.

OTHER BUSINESS

Meeting Minutes:

MOTION: Mr. Wadsworth made a motion, and Mr. Casagrande provided a second, to approve minutes of April 13, 2016 as written.

VOTE: The motion carried 3-0-2, with , with Ms. Ladd Fiorini and Mr. Bear abstaining abstaining.

MOTION: Mr. Bear made a motion, and Mr. Wadsworth provided a second, to approve executive session minutes of January 14, 2013 as written.

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

Sidewalk & Bikepath Committee - Ms. Massard reported that the Sidewalk & Bikepath Committee held a public meeting last week to get public input on a potential sidewalk along Alden Street. Although it was school vacation week there was some turnout. She stated that it was good to do community outreach and she will continue to provide guidance to them. She noted that WATD was there and covered the meeting on the radio the next day.

ANR Endorsement Authorization - Mr. Glennon asked for a topic to be added to the next Planning Board agenda on ANR endorsement authorization. He stated that some other communities have delegated endorsement authority to the Planning Director for straightforward ANR applications, with the more complex matters going to the Planning Board.

ADJOURNMENT

Planning Board meeting adjourned at 8:59 PM. The next Planning Board meeting will take place on Wednesday, May 11, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

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MATERIALS REVIEWED

- ZBA referral materials for 26 Winslow Street / Jacobson
- "Planning Board Committee Appointments" spreadsheet dated 04/19/16
- "Planning Board Priorities Discussion April 2016"
- "Draft Policy for Citizen Petitioned or Committee-Introduced Zoning Amendments" dated 03/25/16
- "EPA Issues Final MS4 Stormwater Rules" article from Massachusetts Municipal Association dated 04/13/16
- "MMA Policy Committee Discusses NPDES Delegation to DEP" from Massachusetts Municipal Association dated 03/28/16
- "Comprehensive Cost Analysis of the 2014 Massachusetts MS4 Permit" Interactive Qualifying Project Report submitted to Worcester Polytechnic Institute dated 12/18/14 and sponsored by the Massachusetts DEP
- Planning Board draft minutes of 04/13/16
- Planning Board draft executive session minutes of 01/14/13

- Letter from R. Prone to Board of Selectmen dated 02/24/16
- "MBTA Advisory Board Activity (Continued from 02/09/16)" submitted by R. Prone
- Colored map entitled, "Kingston - Plymouth Road - Rail Distances" submitted by R. Prone
- Color photograph entitled, "1,100 Car Kingston Lot 2/3 Empty - Thurs., 3-31" submitted by R. Prone
- "Draft Scheduling Template 2016-2017" submitted by V. Massard
- "Town of Duxbury - DEP Map Impaired Waters" map dated 04/20/16 submitted by V. Massard
- "Massachusetts NPDES Phase II Stormwater Program Automatically Designated MS4 Areas" map submitted by V. Massard

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