



Town of Duxbury Massachusetts Planning Board

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Minutes 05/11/16

The Planning Board met on Wednesday, May 11, 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, Jennifer Turcotte, David Uitti, and George Wadsworth.

Absent: No one was absent.

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

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

OPEN FORUM

Economic Advisory Committee: Mr. Bear reported that the EAC is working on an RFP for a consultant to help determine the approach to Hall's Corner. Funding will become available on July 1, 2016 as a result of a warrant article that passed at Annual Town Meeting in March.

DISCUSSION: REVISED DRAFT POLICY FOR CITIZEN PETITIONED OR COMMITTEE-INTRODUCED ZONING AMENDMENTS

Ms. Massard distributed a revised draft of a potential policy discussed at the last Planning Board meeting, noting that she received excellent feedback from Ms. Ladd Fiorini in updating it. Ms. Massard noted that the idea is to provide guidance to the community – either town committees or citizens – on the Town Meeting process for zoning articles. She noted that zoning articles are different from many other Town Meeting articles in that they require approval from the Attorney General's office and there is a process that must be followed. As a result, planning and outreach should take place well in advance of the Town Meeting warrant because the process takes longer than most other articles. Mr. Glennon noted that the process would allow residents more time to review a proposed zoning change prior to Town Meeting.

Ms. Massard recommended that anyone with a proposed zoning article should ideally start the process soon after Annual Town Meeting for the next year's Annual Town Meeting. The zoning article language needs to be in final form when it is submitted for the warrant. She reviewed the timetable listed on the draft document. She noted that "placeholders" for Town Meeting warrant articles do not apply to zoning articles due to the steps required to meet requirements of Massachusetts General Law.

Mr. Wadsworth asked if the role of the proponent should be added to the document, and Ms. Massard agreed. She noted that proponents need to follow their article all the way to Annual Town Meeting. She stated that at this year's Annual Town Meeting some articles sponsored by committees had no representatives to speak to the article on the floor of Town Meeting.

Ms. Ladd Fiorini asked how this document would be shared, and Ms. Massard stated that it could be added as a link on the town's web site.

Mr. Bear asked about language in the draft document that "Failure to adhere to the guidelines in this policy may result in the Planning Board being unable to support the proposed article." Ms. Turcotte responded that it discloses the risk. Ms. Massard stated that a simple amendment might be able to be done at the last minute, but the Planning Board may not be able to support a more complex article pulled together at the last minute. She stated that this happened at this year's Annual Town Meeting with the proposed Demolition Delay bylaw amendments. Mr. Bear suggested that the word "support" could be replaced with "make a recommendation." Mr. Glennon agreed with Mr. Bear's suggestion, noting that the Planning Board's job is to submit a recommendation for each zoning article; however if it is a last-minute article the Planning Board may be unable to make a recommendation.

Mr. Glennon reinforced that these guidelines would provide a user friendly way to propose a Zoning Bylaw amendment, with the clarification that the proponent is responsible for the article.

MOTION: Ms. Turcotte made a motion, and Mr. Wadsworth provided a second, to adopt the "Policy for Citizen Petitioned or Committee-Introduced Zoning Amendments, Town of Duxbury Planning Board Policy," as amended.

VOTE: The motion carried unanimously, 7-0.

Mr. Glennon thanked Ms. Massard for creating the policy and Ms. Ladd Fiorini for her edits.

DISCUSSION: PLANNING BOARD POLICY ON ANR ENDORSEMENT AUTHORIZATION

Ms. Massard stated that it has been suggested by Mr. Glennon that for simple, straightforward ANR plans, the Planning Board could authorize the Planning Director to sign off on them. She stated that she is neutral on the idea, noting that some ANR plans would come to the Planning Board for review, and that taking time to show the Board the type of plans she would have signed might be a good start.

Mr. Glennon noted that other communities do this and that the more complicated plans would continue to come to the Planning Board. This would shorten the Planning Board's agendas and may assist in the Planning Department workflow. Mr. Casagrande stated that the Planning Board sees a number of land swaps that are simple. Ms. Turcotte stated that she is all for speeding up the process.

Mr. Wadsworth stated that he has reviewed a number of ANR plans over the years as a Planning Board member. He noted that on occasion a Planning Board member will find something on a plan that needs to be corrected and it helps to have several people reviewing it. He stated that discussion of a plan is important also. He agreed that land swaps may not require Planning Board review, but stated that if there is room on the agenda he would like to see all other ANR plans.

Mr. Bear agreed with Ms. Massard that a set of guidelines could be needed and could be the next step. He stated that things come up when reviewing a plan, such as a new violation being created. He questioned how much time it would save by having the Planning Director endorse ANR plans. Mr. Glennon noted that it could save the applicant time.

Mr. Mark Casey of South Shore Survey Consultants stated that on a recent ANR application a surveyor was asked to remove wetlands lines at the request of the Conservation Administrator because the lines had not yet

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been approved by the Conservation Commission and the Planning Director had supported this request. However, the Planning Board checklist requires wetlands lines to be shown. He recommended that the Planning Board consider amending the checklist to remove this requirement. Ms. Massard noted that it would require a public hearing to amend the Subdivision Rules & Regulations. Mr. Casey recommended that the Planning Board look into the legality of requiring wetlands lines on ANR plans.

Mr. Glennon stated that the discussion has started tonight and it can continue with the aim of reviewing these regulations, along with a list of concerns with the Rules & Regulations.

PLANNING DIRECTOR REPORT

Battelle: Ms. Massard reported that Town Hall staff has advised the potential developer, Mr. Merrill Dismore, and his team regarding Special Town Meeting timelines. Their zoning article would be by citizen petition with 100 signatures required. She stated that as of today she is actively advising the team of the zoning format and materials that would be appropriate. A public hearing by August will be required for a Special Town Meeting on September 26, so it is a tight timeline because the developers are trying to fast track it.

Ms. Massard reported that the developers have organized two upcoming public outreach meetings. She stated that the dates will be posted on the town web site and she will email the Planning Board members once the Planning office or Town Manager's office is advised of any information. Ms. Ladd Fiorini asked if the outreach meetings would be televised on PAC-TV, and Ms. Massard replied that the Town Manager has offered to work with PAC-TV to provide coverage.

Mr. Bear asked if the citizen petition would be seeking a new overlay district, and Ms. Massard replied that it would be doing that rather than rezoning the property in order to allow more flexibility for development. She stated that the developers are seeking higher density residential and apparently are trying to avoid dealing with affordable housing within the new zoning. Mr. Bear asked if the developers had considered other options, and Ms. Massard replied that Town Hall staff has provided them with information on their options.

Mr. Sherm Hoyt of 51 Abrams Hill asked if the overlay vote would require a 2/3 vote at Special Town Meeting, and Ms. Massard confirmed it would because it would be a zoning change.

Comprehensive Plan Update: Ms. Massard reported that she will have an update soon.

Planning Board Priorities: Planning Board members reviewed a spreadsheet of potential articles for Special Town Meeting in the fall and Annual Town Meeting in the spring totaling approximately 25 articles. She noted that it appears that there are too many Town Meeting zoning articles and although the various committees have good intentions only a few should be selected to move forward at a time. She noted that volunteers have been working for a long time on these articles but they need to slow down and be patient. She stated that she is working with several committees on these potential articles and they are generally making headway. Ms. Massard reviewed the list of potential articles with the Planning Board and answered questions. Ms. Turcotte thanked Ms. Massard for her work on these potential warrant articles.

Sidewalk & Bike Path Committee: Ms. Massard reported that at a recent public outreach meeting at the DuxPlex, the committee received positive feedback on its proposal to create a safe way for pedestrians to get from the school to the Saint George Street and Railroad Avenue intersection. The committee prefers a paved, forested path separated from the street, with a more rural character than a city sidewalk, in general, when it comes to "sidewalks" in Duxbury.

OTHER BUSINESS

Duxbury Affordable Housing Trust (DAHT): Board members reviewed a memorandum dated April 27, 2016 from the DAHT to the Zoning Board of Appeals and Planning Board regarding affordable housing standards for converted units. Ms. Massard explained that there was a recent issue with converting an existing dwelling to affordable housing, and DAHT chair, Ms. Diane Bartlett, had found some guidelines issued by the Department of Housing and Community Development that the DAHT recommends that the Planning Board and Zoning Board of Appeals consider for future affordable housing conversions.

Mr. Wadsworth, who serves on the DAHT, noted that at the Duxbury Woods 40B development two existing dwellings were converted to affordable housing and the existing structure was deficient in some newer building code standards such as heated bedrooms. Ms. Massard stated that the DAHT is asking for reasonable standards but not necessarily today's standards. Mr. Bear commented that it is not really part of the Planning Board's purview, and Ms. Massard responded that the Planning Board would be permitting subdivisions and planned developments, as well as making recommendations to the Zoning Board of Appeals.

Planning Board Signature Page for Registry of Deeds and Land Court: This agenda topic was deferred until a notary could be present to witness the signatures.

ADJOURNMENT

Planning Board meeting adjourned at 7:58 PM. The next Planning Board meeting will take place on Wednesday, May 25, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

MATERIALS REVIEWED

- "Draft Policy for Citizen Petitioned or Committee-Introduced Zoning Amendments" dated May 2016
- Untitled concept plan for Battelle drawn for Diamond-Sinacori LLC by The Design Associates in Newton
- Email from R. Read to D. Madigan et.al re: Battelle property update
- "Special Town Meeting – Monday, September 26, 2016" timeline dated 04/27/16
- Untitled spreadsheet with list of potential Planning-related articles for Special Town Meeting and Annual Town Meeting
- "Planning Board Priorities Discussion April 2016" chart
- Memorandum from D. Bartlett to W. Dennison and B. Glennon dated 04/27/16 re: Affordable housing standards for converted units
- Construction Cost Estimates for April 2016
- Updated "Draft Policy for Citizen Petitioned or Committee-Introduced Zoning Amendments"

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