



# Town of Duxbury Massachusetts Planning Board

TOWN CLERK

2016 AUG 11 AM 9:42

DUXBURY, MASS.

## Minutes 06/08/16

The Planning Board met on Wednesday, June 8, 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, David Uitti, and George Wadsworth.

Absent: Jennifer Turcotte.

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

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

### OPEN FORUM

Economic Advisory Committee: Mr. Bear reported that the RFP will be issued next week for a consultant to help determine the approach to Hall's Corner.

Water & Sewer Advisory Board: Mr. Wadsworth reported that he had recently met with Mr. René Read regarding expected water restrictions that may be mandated by the state. He stated that it is not an environmental issue but a political issue.

### PARTIAL LOT RELEASE: MCLEAN'S WAY, OFF BOW STREET / REINHALTER

Mr. Glennon thanked Ms. Susan Kelley, Town Clerk, for attending tonight's meeting in order to notarize the Lot Release form. Ms. Massard stated that the developers have done substantial work on this five-lot subdivision and are looking for two lots to be released, Lot 1 and Lot 2. She noted that Mr. Peter Palmieri of Merrill Associates, the consulting engineer, has prepared a cost of completion at \$169,093.00.

Mr. Glennon asked if Town Counsel had weighed in because this is the first time he could remember lots being released without a performance bond. Ms. Massard replied that a Planning Board Covenant is on record to guarantee completion of the project. The developer has spent a substantial sum so far on preparing the roadway and inspections have been done by the consulting engineer.

Mr. Glennon asked if Ms. Massard has visited the site and she responded that she had visited several times and there are no drainage issues and they had worked through the winter with no problems. She noted that they may request a field change for planting plan location. Ms. Ladd Fiorini noted that she had noticed that some planting was being done earlier today.

Mr. Glennon confirmed with Ms. Massard that she is satisfied with the inspections being performed by Merrill Associates. Ms. Massard noted that since the subdivision is in such a visible location, DPW and Water Department staff are checking on the subdivision often as well.

**MOTION:** Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to approve the release of Lot 1 and Lot 2 in the McLean's Way Definitive Subdivision, with the endorsed Lot Release form to be recorded at the Plymouth County Registry of Deeds and proof of recording to be submitted to the Planning Office.

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

The Planning Board signed the Lot Release forms prepared by staff (three originals) and Ms. Kelley notarized the documents.

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**PERFORMANCE BOND REDUCTION: LITTLETOWN WAY, OFF TREMONT STREET / NASS & ALFIERI**

Present for the discussion was Mr. Daniel Orwig representing the developer. Mr. Glennon thanked Mr. Orwig for waiting while the Planning Board took the previous topic out of order. He asked Ms. Massard to provide an overview of the developer's request. Ms. Massard noted that Littletown Way is a two-lot subdivision off of Tremont Street. Construction has begun and a performance bond of \$205, 194.00 has been established. The developers are requesting a reduction in the performance bond amount due to the substantial amount of work done already.

Planning Board members reviewed a revised cost of completion letter prepared by Mr. Patrick Brennan of Amory Engineers with an estimate of \$102,084.00 to complete the remaining work. Mr. Glennon noted that Mr. Brennan's letter pointed out a compacting issue with the material used in the roadway foundation and asked if there had been any resolution to this issue. Mr. Orwig stated that they changed to material that packs much better and Amory Engineers was satisfied with the new material.

**MOTION:** Mr. Uitti made a motion, and Mr. Casagrande provided a second, to approve a reduction in the performance bond for the Littletown Way Definitive Subdivision to release \$103,100.00 to the Estate of Priscilla S. Miles / Alfieri, as recommended by the consulting engineer, Amory Engineers, in a letter dated May 31, 2016.

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

**ESCROW ACCOUNT RELEASE: ADAMS COURT PRELIMINARY SUBDIVISION**

Ms. Massard noted that the Planning Department is trying to close out old escrow accounts where possible so the Board may see more of these types of requests in the near future. In this case, the applicant had withdrawn his Preliminary Subdivision application and developed the land through an ANR process instead. Mr. Glennon asked when the application was reviewed by the Planning Board and Ms. Grant responded that it was in 2009.

**MOTION:** Mr. Uitti made a motion, and Mr. Casagrande provided a second, to release all remaining funds plus interest accrued in the Adams Court Preliminary Subdivision escrow account.

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

**PLANNING DIRECTOR REPORT**

PAC-TV: Ms. Massard distributed folders prepared by PAC-TV to each Planning Board member and thanked PAC-TV for broadcasting Planning Board meetings.

Special Town Meeting: Ms. Massard distributed a "Working Draft Compiled by the Planning Office" dated June 2016 listing three potential articles (Zoning Maps, adopting FEMA flood plain maps, and Historic Districts) and two additional citizen petitions (Sawmill Road street acceptance and fluoride removal from water supply). She reviewed these potential articles with the Planning Board as listed below.

Mr. Bear asked about the public hearing process for zoning articles. Ms. Massard stated that the draft warrant language with strikethrough for the FEMA information will be added to the town web site tomorrow, and the tentative public hearing date is July 13, 2016. Mr. Uitti stated that it might be helpful to publish a summary memorandum or comments because residents may not understand the intent by simply reading the strikethrough language. Ms. Massard agreed it was an excellent suggestion and would be easy to do. She agreed to add comments and she noted that every Planning Board warrant article will have a Power Point.

Zoning Maps: Ms. Massard stated that if time allows updated zoning maps would be placed on the Special Town Meeting warrant. If not, it will be on the Annual Town Meeting warrant next spring. She noted that the Flood Hazard Areas zoning map will be amended to refer to Flood Insurance Rate Map (FIRM) panels to be dated November 2016. She stated that she is also reviewing Town Meeting history to make sure that all zoning map changes adopted have been reflected on the town's zoning maps. She noted that she can produce zoning maps in-house which will save the town money.

For the map references in Zoning Bylaws, Ms. Massard noted that the intent is to refer to the "official zoning map" throughout the Zoning Bylaws. Mr. Glennon pointed out that it may be a potential ambiguity referencing the "official zoning map" without an effective date. He asked how the public would know that the map they are looking at is the current one. Mr. Uitti agreed, stating that it could be confusing and asking if there might be a way to reference a date in the Zoning Bylaws. He stated that if Zoning Bylaws reference an official map on file with Town Clerk with a specific date there is no ambiguity. If there is no reference date it could be confusing because all zoning maps are on file with Town Clerk. Ms. Massard stated that there is an agreement in concept; however, specifics on this can be addressed as we move forward.

Adopting FEMA Flood Plain Maps: Ms. Massard noted that the state has asked the Town of Duxbury to revise the language for Zoning Bylaws to reference the Flood Insurance Rate Maps (FIRM) title as "Plymouth County" rather than "Town of Duxbury." The FIRM map will be part of the official zoning map for the Town of Duxbury. Mr. Wadsworth asked about the FIRM map reference date of November 4, 2016 and Ms. Massard replied that the FIRM maps would become effective on that date once approved by residents at Special Town Meeting in September 2016.

Ms. Massard noted that FEMA has told the Town of Duxbury that no further debate on the proposed maps will be considered at this time. The Town of Duxbury intends to file a Letter of Map Amendment (LOMA) once these maps are adopted. Mr. Glennon asked if residents would follow the same process if they believe that their property is improperly shown within a flood plain. Ms. Massard replied that multiple residents on the same street can file a LOMA in order to save money. She noted that the current FEMA maps reflect studies done on the coastline and inland studies are expected within the next year or two and FIRM maps will continue to be adjusted by FEMA with the state.

For the Flood Hazard Areas Overlay District zoning bylaw, Ms. Massard noted that language has been added to allow man-made alteration of sand dunes for dune restoration and beach enhancement projects for the purposes of flood and erosion control in order to adapt to long-term effects of sea level rise.

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Local Historic Districts: Ms. Massard stated that the Local Historic Districts that were voted in at Annual Town Meeting 2016 did not have a 2/3 vote as required and so must be re-voted. She noted that the Local Historic District Commission has been notified and it is an administrative matter. She noted that ten more properties may be proposed as Local Historic Districts at Annual Town Meeting 2017.

Other Special Town Meeting Warrant Articles: Ms. Massard stated that she does not expect Saw Mill Road to seek street acceptance at the fall 2016 Special Town Meeting. The citizen petition regarding the removal of fluoride from drinking water will not pertain to the Planning Board.

FEMA Flood Insurance Rate Maps (FIRM): Ms. Massard noted that the Planning Department has updated its web site to provide FEMA flood information. There are links to documents that explain map changes, flood insurance, and storm preparedness. In addition, she reported that she had worked with the Director of Assessing and GIS consultant to get the proposed FEMA flood map layers to the Town of Duxbury GIS map on the town web site. She noted that this is a better tool than the FEMA paper flood maps because property lines are shown. Mr. Glennon commended Ms. Massard for pro-actively reaching out to residents with this information and helping residents to the extent possible.

Annual Town Meeting 2017: Ms. Massard reported that there are approximately 20 zoning articles on the list currently. The Civic Association has spoken with the *Duxbury Clipper* and the *Clipper* has agreed to a special section on zoning. She stated that the Civic Association may host some zoning open houses to be held concurrently with Planning Board meetings so residents can see the information in advance of Town Meeting, if it is available in a timely fashion from the various proponents. Mr. Uitti suggested that each Planning Board member could take responsibility for each article and work with Planning staff to add comments. Ms. Ladd Fiorini suggested that the Planning Board could submit an article to the *Duxbury Clipper* explaining the proposed amendments, and Mr. Bear added that they should be worded in laymen's terms.

Hall's Corner RFP: Ms. Massard reported that she has started working on the Hall's Corner Requests for Proposals. When a draft is available she will email it to the Planning Board and the two regional planning agencies - the Metropolitan Area Planning Council (MAPC), and Old Colony Planning Council (OCP) for comment. She noted that the Economic Advisory Committee is working to get progress going in the right direction.

Comprehensive Plan: Mr. Glennon asked about funds allocated at Annual Town Meeting 2016, and Ms. Massard responded that they will be used to hire a consultant to do outreach and a survey to residents. A public forum will be scheduled based on input from the survey, and a second public forum will be scheduled for along with a follow-up survey. The next steps would be presented at Annual Town Meeting 2017.

State Enforcement of National Pollutant Discharge Elimination System Permits (NPDES): Ms. Massard reported that the state is stepping in to enforce MS4 and NPDES permits, and the town's DPW Department, which is responsible for local compliance, has done in-house training on state stormwater regulations. Mr. Wadsworth stated that the Clean Water Act is driving this due to water quality in ponds, streams and bays. He noted that impervious pavement affects the quality of areas where there is no stormwater treatment and nitrogen and phosphates pass through to the waterways. Existing properties will not be affected but new proposals may be affected.

Ms. Massard stated that the Planning Board will look at stormwater guidelines in the future once the many proposed Zoning Bylaw changes are addressed. She suggested that a simple Zoning Bylaw change could be made to require that stormwater must be contained on each individual lot. Mr. Wadsworth commented that this topic has been discussed for a long time. Ms. Massard noted that she is hearing complaints from property owners that their neighbors are raising the property elevation and dumping stormwater on neighbors'

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properties. Mr. Wadsworth asked if it would be a General Bylaw or Zoning Bylaw, and Ms. Massard stated that it could be either.

Battelle Property: Ms. Massard reported that the developer, Mr. Merrill Diamond, has informed the town that he is now planning to come to Annual Town Meeting 2017, not Special Town Meeting 2016, to present his proposal. Language is expected this fall, and town officials have only seen rough information so far.

Hazard Mitigation Plan: Ms. Massard reported that it is partially done (2014) but not finished yet, and an update is needed due to FEMA changes before the plan can be adopted. She noted that the Metropolitan Area Planning Council (MAPC) has offered professional technical assistance and will attend a Development Review Team meeting of town department heads next week. The plan will be brought to the Planning Board in September or October for adoption.

Planning Director Priorities: Planning Board members reviewed a "Planning Board Priorities Discussion April 2016" worksheet that had been updated for tonight's discussion. Ms. Massard reported that Municipal Aggregation has been vetted and it has been decided that it is not a good fit for the Town of Duxbury. Mr. Glennon asked if there would be any other changes in priority and Ms. Massard welcomed Planning Board guidance on priorities.

**OTHER BUSINESS**

Engineering Invoices:

**MOTION**: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to approve the following engineering invoices:

- Amory Engineers invoice #14500 dated May 19, 2016 in the amount of \$422.50 for services related to Littleton Way Definitive Subdivision
- Amory Engineers invoice #14527 dated June 1, 2016 in the amount of \$162.50 for services related to Littleton Way Definitive Subdivision
- Merrill Engineers invoice #3171 dated May 26, 2016 in the amount of \$2,310.00 for services related to McLean's Way Definitive Subdivision.

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

Meeting Minutes:

**MOTION**: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to approve the meeting minutes of April 27, 2016 as written.

**VOTE**: The motion carried, 5-0-1, with Mr. Utti abstaining.

**MOTION**: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to approve the meeting minutes of May 11, 2016 as written.

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

ZBA Decisions: Planning Board members reviewed several ZBA decisions recently issued. Ms. Massard noted that a decision for Railroad Avenue and Saint George Street will be by constructive approval because the decision was not written on time. She reported that she had met with the developer, Mr. Juliano, and Mr. Scott Lambiase, Director of Municipal Services, and the buildings there are tenuous and close to becoming teardowns, but will be maintained in this instance.

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**ADJOURNMENT**

Planning Board meeting adjourned at 8:35 PM. The next Planning Board meeting will take place on Wednesday, June 22, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

**MATERIALS REVIEWED**

- Amory Engineers letter dated 05/31/16 re: Littletown Way Subdivision Revised Cost Estimate
- Escrow Release request for Adam's Court Preliminary Subdivision
- "Planning Board Priorities Discussion April 2016"
- "Working Draft Compiled by Planning Office of Duxbury, June 2016"
- Amory Engineers invoice #14500 dated 05/19/16
- PB minutes of 04/27/16
- PB minutes of 05/11/16
- PB Contact List dated 05/22/16
- ZBA decision, Special Permit Amendment: 1508 Tremont Street / Cadete Enterprises, Inc.
- ZBA decision, Special Permit Amendment: 19 Depot Street / Rubin
- ZBA decision, Special Permit: 14 Winthrop Avenue / Cooke
- ZBA decision, Special Permit: 33 Mayflower Avenue / Fleming
- Construction Cost Estimates for May 2016
- "Coastal Processes Study and Resiliency Recommendations: Duxbury Beach and Bay"
- Merrill Engineers letter dated 06/02/16 re: McLean's Way Subdivision Cost Estimate
- Amory Engineers invoice #14527 dated 06/01/16
- Merrill Engineers invoice #3171 dated 05/26/16
- "Administration Pursues Authority Over NPDES Program" dated 04/29/16
- "Article 200 – Establishment of Districts"
- "Article 202 – Location of Districts"
- Draft public hearing notice for Special Town Meeting 2016

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