



Town of Duxbury Massachusetts Planning Board

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Minutes 06/22/16

The Planning Board met on Wednesday, June 22, 2016 at 7:00 PM at the Duxbury Town Hall, Mural Room.

Present: Brian Glennon, Chairman; Cynthia Ladd Fiorini, Clerk; Jennifer Turcotte, David Uitti, and George Wadsworth.

Absent: John Bear; and Scott Casagrande, Vice Chairman.

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

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

OPEN FORUM

Community Preservation Committee (CPC): Ms. Ladd Fiorini reported that Ms. Diane Bartlett from the Duxbury Affordable Housing Trust attended a recent CPC meeting and announced that the first owner at the old Grange on Lincoln Street has moved in and there was an opening ceremony last week, thanks in part to CPA funding. Ms. Bartlett also announced to the CPC that the Feinberg Bog affordable housing development on Temple Street will be built by Habitat for Humanity.

Special Town Meeting: Mr. Glennon reported that he had attended a recent meeting on Special Town Meeting with Mr. René Read, Town Manager; Ms. Massard; Mr. Casagrande; the upcoming Town Moderator; the chairman of the Board of Selectmen; the Finance Committee chair; and the Zoning Bylaw Review Committee chair. He stated that there are a lot of open zoning matters and they want to set reasonable expectations. He reported that it was a good, productive meeting and priorities were set. He noted that the Planning Department staff has a lot on its plate.

Mr. John Baldwin of 110 High Street asked why Mr. Read had announced 2-3 months ago that there would be no zoning articles in the Special Town Meeting warrant. Ms. Massard responded that the zoning articles slated for the Special Town Meeting warrant have been on the list for quite a while: adoption of FEMA flood insurance maps and cleaning up the town's official Zoning Maps.

DISCUSSION ITEMS

Comprehensive Plan Update: Phase I Consultant Public Engagement – Overview: Ms. Massard reported that she recently had a good meeting with the Civic Association and is coordinating with them and the *Duxbury Clipper* on the outreach process. Planning Board members reviewed a list of potential stakeholders prepared by Planning staff. Mr. Wadsworth commented that town department heads mostly live out of town and the average resident should have an opportunity for input as well. Ms. Massard stated that she intended to have others vet the list. The goal is to get a consultant to start on public outreach by doing a survey, holding forums and getting community input about the town's goals. In the meanwhile a base study will be done. She stated that the Civic Association has been a helpful resource.

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Ms. Massard recommended that the Planning Board consider a small sub-committee to work on the consultant bid to identify 5-6 potential candidates that could be interviewed by the Planning Board. Mr. Glennon, Ms. Ladd Fiorini, and Ms. Turcotte each volunteered to serve on the consultant sub-committee.

Mr. Glennon asked about the timeline, and Ms. Massard replied that by Monday afternoon she will email the sub-committee with the scope and background information along with a schedule. She stated that she would also provide a short list of potential consultants to review. Funding will be available July 1, 2016.

Zoning / Planning Board Priorities: Ms. Massard reported that one of the town's regional planning agencies, the Metropolitan Area Planning Council, is offering a technical grant opportunity and she intends to seek free technical assistance. Mr. Glennon asked if this assistance would be for Green Communities and Ms. Massard replied that it would be to help make the community user friendly to green technology and to help residents become more energy efficient in their energy consumption.

Ms. Massard stated that she is not sure if the updated Zoning Maps would be ready for Special Town Meeting. Right now she is reviewing past Town Meeting history to make sure the maps are consistent with prior Town Meeting votes. She stated that keeping the map current is necessary in order to avoid any potential litigation.

Ms. Massard reported that the Civic Association has a sub-group focusing on sea level rise. She is working closely with other communities on plans to protect the harbors and other coastline resources. She stated that she hopes to receive the study this week by the Metropolitan Area Planning Council (MAPC) on long-term effects of sea level rise.

Mr. Glennon asked about the relationship between sea level rise and the FEMA flood insurance maps. Ms. Massard stated that FEMA looks at current conditions and storm events and does not project into the future, while the MAPC study will show projected hot spots for sea level rise. Mr. Wadsworth asked if risk was driving the FEMA changes, and Ms. Massard responded that it is to some extent. She noted that FEMA funding is running out and therefore the risk is changing to the property owners in the form of higher insurance rates on properties. There is a question of fairness associated with this change, although there are real costs involved in rebuilding properties after a major storm. She noted that rebuilding multiple times after storms does not work anymore. Mr. Wadsworth asked if Ms. Massard expects that at some point property owners would not be allowed to rebuild, and she responded that it is a possibility. She noted that in some areas incentives are being offered to try to buy out properties as has been the case in the past. Mr. Wadsworth noted that nearly twenty years ago politicians were already saying that it may be less expensive to buy properties than to rebuild them with a new seawall, but property owners balked. Mr. Uitti stated that in his law practice he sees a good number of grandfathered structures not up to current building code, and he advises clients to purchase code upgrade insurance.

Article 500 Residential Conservation Cluster Bylaw – Attachments: Board members reviewed a memorandum dated December 7, 2015 from Atty. Nathan Kelly of Horsley Witten, consultant to the Zoning Bylaw Review Committee (ZBRC), regarding options for approaches to revising the cluster bylaw, including an audit of the existing Residential Conservation Cluster (RCC) bylaw with comments. Ms. Massard noted that developers are weighing building 40B developments as an alternative to an RCC while we seek direction. She also noted that Town Counsel has advised that the Town of Duxbury's RCC bylaw is indefensible in court and developers and staff need guidance. Mr. Glennon stated that the current bylaw is unenforceable. Mr. Uitti noted that the Zoning Bylaw needs to conform with current case law.

Ms. Massard stated that the ZBRC needs input from the Planning Board, noting that the ZBRC may ask its consultant to work with Planning staff on creating language. She stated that they also want to reach out to the community. Mr. Glennon noted that the current Zoning Bylaw requires applicants to present both a grid

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subdivision and a cluster subdivision. He stated that residents can weigh in on which type of developments they would like to see in the town. Do we want either or both?

Ms. Turcotte noted that the Horsley Witten memorandum does not address the Inclusionary Bylaw. Ms. Massard replied that the ZBRC does intend to work in tandem on the RCC and Inclusionary Bylaws because it makes sense to work on both together. She noted that the ZBRC will be getting input from its other consultant, Anderson & Kreiger, on the Inclusionary Bylaw.

Mr. Uitti noted that as long as one option is by-right then there is no problem. Ms. Massard noted that it should be made clear what a cluster would allow the property owner to do, and whether additional density could be created. She stated that the Duxbury Protective Bylaw currently requires a more detailed plan than is necessary when a sketch plan could suffice. Ms. Turcotte noted that according to ZBL Section 540.4 #2 "sketch plan" does not label the filing as a Preliminary Plan. Ms. Massard noted that the Horsley Witten consultant, Mr. Nathan Kelley has advised that it is essentially an engineered Preliminary Plan. She stated that it is expensive to produce such a detailed plan. Mr. Wadsworth stated that if you do not go through the wetlands process it is not clear whether the land is available or not. Ms. Massard agreed that a wetlands delineation would need to be done when wetlands are present. Ms. Turcotte confirmed with Ms. Massard that a sketch plan and existing conditions plan would be required and sufficient.

Mr. Wadsworth, who serves on the ZBRC along with Mr. Casagrande, stated that the ZBRC wants to eliminate inefficiencies and not change policy. However, this is a clear policy change and the ZBRC may turn this RCC bylaw amendment over to the Planning Board. Ms. Massard noted that it is being discussed by the Planning Board tonight for that reason. Mr. Glennon stated that the Planning Board would sponsor revising the RCC bylaw.

Ms. Ladd Fiorini asked where we go from here, and Ms. Massard replied that staff will talk to the ZBRC about the cost of the consultant. The Civic Association will be asked for its input and assistance with outreach to stakeholders. At the next Planning Board meeting specific changes will be introduced.

Ms. Ladd Fiorini asked about the "cottage community" cluster model presented in the Horsley Witten memorandum, and Ms. Massard replied that it differs from typical clusters because it features tiny homes with a common facility. She stated that the Planning Board could look at this model because it may provide a way to achieve affordable housing, but exploring this type of development is not a high priority at this time as the focus is primarily on the process rather than the end structure. Ms. Ladd Fiorini noted that it would add to the variety of options.

Zoning Reform: Mr. Wadsworth asked about the status of proposed zoning reform legislature. Ms. Massard responded that she had spoken with State Representative Josh Cutler last week and he had advised her that the most recent attempt at zoning reform is basically dead because an opt-in approach requiring multi-family housing by-right would most likely not be supported by legislators. Ms. Massard stated that the state zoning law is old and needs to be more flexible.

OTHER BUSINESS

Engineering Invoices:

MOTION: Mr. Wadsworth made a motion, and Ms. Turcotte provided a second, to approve Merrill Engineers invoice #3208 dated June 4, 2016 in the amount of \$840.00 for services related to the McLean's Way subdivision.

VOTE: The motion carried unanimously, 5-0.

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Battelle Property on Washington Street: Ms. Massard reported that she has had no word from the developers of the Battelle Property. She stated that she would have hoped that they would contact her by now or at least very soon.

Planning Board Meeting Schedule: Mr. Glennon suggested that the Planning Board cancel its July 13, 2016 meeting in order to provide Planning staff additional time to focus on priorities they are working on. There were no objections from other Planning Board members.

ADJOURNMENT

Planning Board meeting adjourned at 8:07 PM. The next Planning Board meeting will take place on Wednesday, July 27, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

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MATERIALS REVIEWED

- "Planning Board Priorities Discussion April 2016"
- "Working Draft Compiled by Planning Office of Duxbury, June 2016"
- Memorandum from N. Kelley to ZBRC dated 12/07/15 re: Options for Cluster Bylaw Approach
- OCPC Annual Meeting invitation
- "Coastal Processes Study and Resiliency Recommendations: Duxbury Beach and Bay"
- "Comprehensive Plan Update 2016 Stakeholder List" dated 06/22/16
- Merrill Engineers invoice dated 06/09/16