



Town of Duxbury Massachusetts Planning Board

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2016 OCT 11 AM 11:09
DUXBURY, MASS.

Minutes 09/14/16

The Planning Board met on Wednesday, September 14, 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 7:02 PM.

OPEN FORUM

Town Government Study Committee: Mr. Wadsworth recommended that Planning Board members review a recent Town Government Study Committee report on results of a public outreach survey. He asked staff to email a copy to Planning Board members. He noted that the response was overwhelmingly in support of keeping the Planning Board as an elected board.

Rainfall / Water Usage: Mr. Wadsworth distributed three handouts with bar graphs showing rainfall and water usage in the Town of Duxbury. Mr. Wadsworth stated that although serious water restrictions have been issued by the Town of Duxbury, the amount of water usage by residents has actually increased from last year. He noted that the usage was lower last year because it rained more, and residents do not appear to have observed this summer's water restrictions. He stated that residents already are not meeting the recommended 80 gallons / day / household usage and most certainly will not be able to meet the expected 65 gallons / day / household usage that the state is imposing.

USS Duxbury Ceremony: Mr. Glennon invited Planning Board members and the public to a wreath-laying to honor the crew of the USS Duxbury naval ship to be held on Monday, September 19, 2016 at the Powder Point Bridge at 11:00 AM.

ANR PLAN OF LAND: 69 & 105 SAINT GEORGE STREET / THORBAHN & COOK

Mr. Glennon stated that an extension form has been signed by one of the applicants, Mr. Brian Cook, that would extend the decision deadline indefinitely. He noted that the indefinite decision deadline appears to be a way to avoid constructive approval. The delay is because the ANR application needs to be signed by the other co-applicants, the Thorbahns. Mr. Glennon stated that it would be preferable to extend the decision to the day after the next Planning Board meeting so the applicant can either provide the signatures or request withdrawal of the ANR application at the next Planning Board meeting.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Uitti provided a second, to continue the discussion on an ANR Plan of Land at 69 & 105 Saint George Street until the next Planning Board meeting on September 28, 2016 at 7:05 PM, with any paperwork due by September 21, 2016, and a decision deadline of September 29, 2016.

DISCUSSION: Mr. Wadsworth stated that the applicant could request withdrawal without prejudice. Mr. Glennon agreed that it would be entirely appropriate. Mr. Wadsworth noted that the Planning Board could deny the ANR application at the next meeting if the applicant does not act. Mr. Bea agreed that the Planning Board should not accept a date uncertain for the decision extension.

VOTE: The motion carried unanimously, 6-0.

Planning Board members signed a revised extension form to be sent to Mr. Cook.

ANR PLAN OF LAND: 357 WEST STREET / BITTERS

Present for the discussion was the property owner / applicant, Mr. David Bitters. Mr. Glennon asked Mr. Bitters for a brief presentation, and Mr. Bitters responded that he is submitting an ANR plan to create a new lot off an existing parcel so the lot can be conveyed and he can proceed to develop the rest of the property.

Mr. Glennon noted that the purpose appears to be to create a 7.77 parcel of land that is marked "not a buildable lot." He confirmed that Mr. Bitters is not creating a second buildable lot along Teakettle Lane or Modoc Street.

Ms. Ladd Fiorini noted that the labelling should be revised to clarify the lot and the parcel of land.

Mr. Wadsworth asked about a ten-foot access / utility easement shown on the side of the lot fronting on Teakettle Lane. Mr. Bitters replied that the Water Department has requested an easement in order to access a possible future well site. Mr. Glennon noted that the Planning Board endorsement of the ANR plan would not necessarily reflect support for the easement. He stated that he would like to look at revised plans at the next meeting with better labelling and revision of notes to reflect the creation of a lot and a parcel. Mr. Glennon provided Mr. Bitters with a copy of the ANR plan showing the requested changes.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to continue the discussion on an ANR Plan of Land at 357 West Street to the next Planning Board meeting on September 28, 2016 at 7:10 PM, with revised plans due on September 21, 2016 and a decision deadline of October 30, 2016.

VOTE: The motion carried unanimously, 6-0.

Mr. Casagrande asked about the lot area numbers and suggested that the applicant's surveyor, Webby Engineering Associates, confirm lot area calculations. The applicant and Planning Board members signed an extension form.

ZBA REFERRAL, SPECIAL PERMIT: 33 MARGINAL ROAD / NORRIS

Planning Board members reviewed this special permit application to demolish a pre-existing nonconforming structure and rebuild a new nonconforming structure on piers, increasing the lot coverage based on the 3% exception for lots under 20,000 square feet. Mr. Glennon noted that it appears that the new dwelling footprint is somewhat expanded. The side setbacks are slightly better and although the rear setback is smaller it is still greater than the 15' foot minimum. By adding a second story the volume would increase, although the Zoning Board of Appeals (ZBA) does not consider volume increase.

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Mr. Bear asked if the ZBA takes into consideration that the neighbors' view might be affected by increasing the structure height, and Mr. Glennon responded that the ZBA must consider whether the application is more detrimental to the neighborhood.

Mr. Casagrande noted that this appears to be one of the few homes in the neighborhood that is not built up. With a proposed lot coverage changing from 14 to 18 percent, the property owner is requesting significantly less than what they could have under the 3% exception. He noted that they may have been restricted by a 50-foot buffer on the front side of the property. He stated that this appears to be a reasonable special permit application.

MOTION: Mr. Bear made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit application for 33 Marginal Road / Norris, to demolish and reconstruct a pre-existing nonconforming single family dwelling.

DISCUSSION: Mr. Casagrande stated that this is a simple request that would make the structure similar to other homes in the neighborhood in one of the several small-lot areas in the town. In the future there may be a new zoning district to regulate neighborhoods with small lots like this one. He stated that he would prefer to recommend approval and allow the ZBA to make the final decision.

Mr. Glennon stated that while a new zoning district may ultimately be more appropriate, the Town is required to enforce current Zoning Bylaws as written, and with a raze and rebuild the property owner has the opportunity to make the structure conform with current Zoning Bylaws.

Mr. Uitti stated that he believes that the ZBA is looking for advice from the Planning Board, and deferring judgment does not provide the guidance the ZBA would like. Mr. Casagrande stated that he could understand deferring judgment if there was missing information or a potential question or issue, but in this case nothing stands out.

Mr. Bear offered to withdraw his motion. Ms. Ladd Fiorini stated that the Planning Board does not have all the information because this is not the public hearing. The ZBA will have the benefit of having all the information at the public hearing. Mr. Uitti stated that the ZBA will always have the benefit of input provided at the public hearing. He suggested that the Planning Board could consider routinely making its recommendations subject to any further information.

Mr. Casagrande stated that the purpose of Planning Board review is to provide another set of eyes to find potential errors. He noted that other groups like the Design Review Board may also find a flaw in an application. Mr. Glennon stated that the Planning Board is required to provide referral input, and it is appropriate for the Planning Board to defer judgment when planning issues are not implicated.

Mr. Wadsworth commented that looking at the GIS photo provided by staff, it looks like an inappropriate place for housing. He stated that although he understands that the property is grandfathered, Mother Nature may have other ideas and the structure may need to be rebuilt in the future after a major storm. He suggested that deferral may be a better way to go on this particular special permit application. Mr. Casagrande noted that the applicant is raising the structure to improve stormwater resilience.

Mr. Glennon called for the vote.

VOTE: The motion carried, 4-2, with Mr. Casagrande and Mr. Uitti voting against.

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ZONING WORKSHOP

Mr. Glennon noted that Ms. Massard was called away on a personal matter shortly after the commencement of tonight’s meeting, so she is unable to lead tonight’s discussion. He stated that since two members of the public were present, the Planning Board would welcome their input.

Aquifer Protection Overlay District (APOD): Mr. Casagrande noted that at the last Zoning Bylaw Review Committee (ZBRC) meeting it was decided that there may be more work needed on the proposed bylaw and it is not a priority for the upcoming Annual Town Meeting. He noted that the ZBRC does still agree with the consultants’ and Planning Director’s recommendations that the APOD bylaw needs to be re-written to reflect modern standards. He stated that it may be ready for Annual Town Meeting 2018. He noted that if the Planning Director has more information she can provide it at the next Planning Board meeting.

Mr. Wadsworth, who also serves on the ZBRC, noted that the APOD bylaw applies to large developments, and the last time it applied was for the Deer Run subdivision in the early 2000s. He agreed that it is not an emergency to deal with immediately.

Neighborhood Business –Administrative Site Plan Review: Mr. Glennon noted that this topic will be discussed at the next Planning Board meeting. Mr. Casagrande stated that the idea came from the Zoning Bylaw Review Committee to propose that the Planning Board be the Special Permit Granting Authority when an application requires Administrative Site Plan Review, in order to streamline the process for applicants.

PLANNING DIRECTOR REPORT

In Ms. Massard’s absence, Mr. Glennon provided the following:

Review Planning Board’s Upcoming Meeting Schedule in Preparation for Annual Town Meeting: Planning Board members reviewed an Agenda Planner provided by staff. Mr. Glennon commented that it is helpful to have a “roadmap” to move forward methodically.

Hall’s Corner, Historic Preservation, Bike Trails: Mr. Glennon reported that the Town of Duxbury is considering applying for a technical assistance grant through the Metropolitan Area Planning Council (MAPC) for an historic preservation inventory. In addition, the Town of Duxbury has received a grant through the MAPC for technical assistance on mapping a future access trail that will be laid out as ADA compliant.

Ms. Ladd Fiorini asked about the status of the sub-committee of Planning Board members that had been formed several months ago to review Requests for Proposals for the Comprehensive Plan consultant that had been funded at Annual Town Meeting 2016. Mr. Glennon offered to discuss the matter with the Planning Director.

OTHER BUSINESS

Meeting Minutes:

MOTION: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to approve the Planning Board minutes of August 24, 2016 as amended.

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

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Preservation of Antique Homes / Second Dwellings: Mr. Casagrande brought up the subject of some properties in town that had been granted a demolition delay certificate for a pre-existing antique home which was moved and turned into a guest house. He asked how the town feels about this practice. He commented that while it is good to preserve antique homes when we can, is this the way we want to preserve them? He noted that large houses were constructed as primary structures. He asked if this practice is a by-product of demolition delay issues.

Mr. Wadsworth stated that second dwellings on lots is an issue, noting that people are putting up second homes that were not allowed in the past. Mr. Bear commented that it appears that if you do not include a stove you can build a second dwelling. Mr. Wadsworth stated that the Zoning Board of Appeals appears to allow it. Mr. Bear stated that the Board of Selectmen has some part in the policy also because they would not fund the Planning Board's appeal of a second dwelling building permit in the past. Mr. Bear stated that he does not believe that the demolition delay bylaw is the issue. He noted that scale of the primary dwellings is another issue.

ADJOURNMENT

The Planning Board meeting adjourned at 8:06 PM. The next Planning Board meeting will take place on Wednesday, September 28, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

MATERIALS REVIEWED

- Email from D. Grant to B. Cook dated 08/04/16
- ANR application and plan for 357 West Street
- Vision Assessor's property card for 357 West Street
- ZBA referral, special permit materials: 33 Marginal Road / Norris
- "Staff Report Prepared by Valerie Massard, AICP, CFM, Planning Director, Duxbury, MA" for 33 Marginal Road / Norris
- Google Earth photo for Marginal Road
- Vision Assessor's property card for 33 Marginal Road
- PB Minutes of 08/10/16 re: APOD bylaw
- Horsley Witten memorandum dated 05/03/16 "First Draft of Aquifer Protection Overlay District"
- "Agenda Planner - Planning Board" dated 09/14 - 03/22
- "Working Draft Compiled by Planning Office of Duxbury, September 7, 2016" spreadsheet dated 09/09/16
- Special Town Meeting warrant
DISTRIBUTED AT MEETING BY G. WADSWORTH
- Bar graphs showing rainfall for the month of August, January - August YTD, and past twelve months
- Bar graph showing Duxbury Water Department water usage
- Bar graph showing May - August rainfall

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