

Approved 10/12/2016

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Town of Duxbury Massachusetts Planning Board

Minutes 09/28/16

The Planning Board met on Wednesday, September 28, 2016 at 7:00 PM at the Duxbury Town Hall, Mural Room.

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

Absent: John Bear.

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

Mr. Casagrande called the meeting to order at 7:08 PM. Mr. Glennon was delayed due to commuter traffic.

OPEN FORUM

Community Preservation Committee (CPC): Ms. Ladd Fiorini, who serves as Planning Board representative to the CPC, announced that the deadline for CPC applications is October 15, 2016.

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

Ms. Massard reported that this ANR application has been continued a number of times. She recommended denial due to an incomplete application.

MOTION: Ms. Turcotte made a motion, and Ms. Ladd Fiorini provided a second, to deny endorsement of the following ANR plan of land as not requiring approval under Subdivision Control Law, because it is not signed by both property owners and therefore it is an incomplete application: "Plan of Land Showing a Division of Parcel 117-015-000, 105 St. George Street, Duxbury, Massachusetts," dated 07/29/16, prepared by Morse Engineering Co., Inc., 19 Union Street, Scituate, MA 02066, stamped and signed by William Joseph McGovern, PLS on 07/29/16, scale 1" = 40.'

VOTE: The motion carried unanimously, 5-0.

Mr. Casagrande directed staff to notify the Town Clerk about this decision.

ANR PLAN OF LAND: 357 WEST STREET / BITTERS

Ms. Massard stated that this two-lot ANR plan was continued from the last meeting because several minor changes on the plan were needed. She confirmed that she had reviewed the revised plan submitted on September 22, 2016 and all the changes have been made as the Planning Board requested.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; www.town.duxbury.ma.us/planning

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

MOTION: Ms. Turcotte made a motion, and Ms. Ladd Fiorini provided a second, to endorse an ANR plan of land entitled, "Plan of Land in Duxbury, Mass., prepared for David Bitters," dated 08/02/16 as amended and submitted to the Planning Office on 09/22/16; prepared by Webby Engineering Associates, Inc., 180 County Road, Plympton, MA, 02367, stamped and signed by Josphe E. Webby, Jr. on 08/02/16, scale 1" = 60' as not requiring approval under Subdivision Control Law.

DISCUSSION: Mr. Wadsworth noted that the ANR plan showed over 200 feet of frontage on North Street.

VOTE: The motion carried unanimously, 5-0.

Planning Board members endorsed the ANR plan for the applicant to record at the Registry of Deeds.

ANR PLAN OF LAND: 0 NORTH STREET / BALDWIN

Present for the discussion of this two-lot ANR application was the applicant, Mr. John Baldwin. Planning Board members reviewed the plan. Ms. Massard noted that the Arc GIS map included in the Planning Board packets shows that although the land is subject to flooding in areas and has wetlands, there is plenty of upland as well. She stated that although the wetlands had been delineated by a wetlands scientist, the wetlands lines have not been approved yet by the Conservation Commission. She noted that any potential buyer should be aware of the extensive wetlands, and that the ANR plan explicitly states that "no verification of any wetlands has been made or intended by Planning Board endorsement." She recommended Planning Board endorsement of the ANR plan.

Mr. Wadsworth asked if Lot 1 had ample frontage and Ms. Massard replied that it has just over 200 feet of frontage on North Street. He asked if it had access and Ms. Massard replied that at least 20 feet is needed for access. Mr. Wadsworth asked if Lot 2 has frontage and access, and Ms. Massard responded that there is at least 30 feet of frontage on the southwest corner of the lot and the remainder may not be accessible. Mr. Wadsworth asked about the southeast corner of the lot and Ms. Massard stated that no building is proposed on the isolated upland in this location.

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to endorse an ANR plan of land entitled, "Plan of Land, North Street and Keene Street, Duxbury, Massachusetts," dated 09/14/16, prepared by Grady Consulting, LLC, 71 Evergreen Street, Suite 1, Kingston, MA 02364, stamped and signed by Peter E. Tuttle, PLS on 09/19/16, scale 1" = 50' as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 5-0.

Planning Board members endorsed the ANR plan for the applicant to record at the Registry of Deeds.

DISCUSSION WITH GOVERNMENT STUDY COMMITTEE

Mr. Casagrande allowed this agenda item out of order at the request of Ms. Massard, who noted that the Planning Board chairman, who was not yet present, had agreed to do this. Present for the discussion were three members of the Government Study Committee: Mr. Marty Desmery, Ms. Kathleen Glynn, and Mr. Gene Blanchard; and Town Manager, Mr. René Read.

Mr. Desmery spoke on behalf of the Government Study Committee. He noted that the committee was appointed by the Moderator in 2015 in order to review the government "top to bottom," with the goal of

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providing a report to Annual Town Meeting 2017. He noted that results of a public survey showed that residents overwhelmingly support the Planning Board to remain elected rather than appointed.

Mr. Desmery stated that in the course of reviewing land use departments the Government Study Committee is looking at the organizational structure. The Planning Board is an elected body that oversees the Planning Director. The Planning Director is staff who works at Town Hall with the Town Manager on a daily basis. He posed the question of whether the Planning Director should report to the Town Manager or keep it as is with the Planning Director reporting to the Planning Board. Mr. Desmery stated that if no change is recommended by the Planning Board, the Government Study Committee would like to know the reasons.

Mr. Wadsworth provided some background, noting that the current structure was set up through the Town Meeting Act which was a legislative act. There are three elected boards in the Town of Duxbury: the Board of Assessors, the Library Trustees, and the Planning Board. Each of these three boards has its own staff to carry out the purpose of the elected boards, which distinguishes them from appointed boards. Mr. Wadsworth noted that in practice the staff person works for the board with day-to-day supervision by the Town Manager.

Mr. Wadsworth stated that as a member of the Planning Board he would not want to see staff doing work assigned by someone else. He stated that if the Planning Board is discussing a controversial matter the members need to know that the staff is working on their behalf. The current organizational structure empowers the elected board to have that relationship. He stated that he has no issue with the Planning Director reporting to the Town Manager on matters such as vacation, sick leave and pay scale.

Mr. Glennon arrived at the meeting at 7:25 PM.

Mr. Desmery asked what if the Planning Director is instructed by the Town Manager to do something which is not consistent with what the Planning Board would desire. Mr. Wadsworth stated that the Planning Director is a well-trained professional who would bring the matter to the Planning Board for discussion. He noted that in over twenty years on the Planning Board he has never witnessed such a conflict.

Mr. Casagrande stated that the Planning Board has had some internal discussions and some members believe that the Planning Director is a broader position than the Assessor because the Planning Director's work involves many departments. Mr. Casagrande stated that at times the Planning Director is asked to do things for the Town Manager and Board of Selectmen on a time-sensitive basis and there is no time for the Planning Board to vet the decision. He stated that the current Planning Director has found it confusing because it is almost like working for two managers: the Planning Board and the Town Manager. The internal conversation has raised the question if things need to change so that the Planning Director reports to the Town Manager.

Mr. Desmery asked how the Planning Board would avoid conflicts with the Town Manager if any arose, and Mr. Casagrande replied that he understands that the reporting question is a major reason why the Government Study Committee was formed. He agreed with Mr. Wadsworth that at times in the past, the Planning Board has "lent out" the Planning Director to work on a Town Manager project and there has been no problem. The new Planning Director has indicated that she is getting pulled from both sides and the matter needs to be addressed.

Ms. Turcotte stated that while the Planning Director is supposed to be responsive to the Planning Board, the position is also tied into other departments and the public. She agreed that it is a good time to determine if the current policy still makes sense, with a goal of looking to improve efficiency.

Mr. Casagrande stated that if the Planning Director position is shifted to Town Manager control, it would be important for the Planning Board to maintain direction over the Planning Director.

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Ms. Ladd Fiorini agreed that it is important for the Planning Board to have primary control over the Planning Director position, noting that the Planning Board sets priorities with the Planning Director and that relationship is important. She stated that if the Planning Director position was under the Town Manager for direction, it would be a "whole different ball of wax." Mr. Desmery agreed it was important to work together.

Ms. Ladd Fiorini emphasized that the primary relationship and hiring of the Planning Director position should be under the Planning Board. She noted that the hiring process is rigorous and involves a search committee. She stated that it is important to make sure the Planning Board vision goes forward. Mr. Desmery asked if the last search included input outside the Planning Board, and Ms. Ladd Fiorini responded that the first round of interviews did include others and the Planning Board had the final say. Mr. Wadsworth noted that the Town Manager appoints a search committee.

Mr. Wadsworth stated that decisions involving the subdivision of land are time sensitive, and if the Town Manager insisted that the Planning Director take on other projects the Planning Board could fail to meet decision timelines. He noted that former Government Study Committees chose to set up elected boards this way in order to empower them.

Mr. Uitti asked if the Government Study Committee was trying to resolve a conflict with how the Planning Director spends her time. Mr. Desmery stated that the Government Study Committee is trying to work it out so that the Planning Director does not have two bosses so there can be clear direction for the Planning Director. Mr. Uitti clarified if the Government Study Committee is proposing that the Planning Director would report to the Town Manager but the Planning Board would still be involved with hiring and the review process. Mr. Desmery stated that the organizational structure is such that the Planning Director appears to be a town employee with two bosses and no clear understanding of how that works. Mr. Uitti responded that no matter what, the Planning Director would still have two bosses. Mr. Desmery stated that it is important for employees to have a clear chain of command. Mr. Uitti asked if the Town Manager would have veto power over the Planning Board, and Mr. Desmery replied that he is not sure, but hopes the relationship would be collaborative.

Ms. Massard stated that usually the Planning Director would report to the Planning Board and no one else. She noted that most Planning Directors in Massachusetts report to the Town Manager. She stated that in Duxbury the Planning Director is given direction by the Planning Board and is evaluated by the Town Manager so there is no clear chain of command. Mr. Uitti asked if the Planning Director would like to simplify or make it clear. Mr. Wadsworth stated that it is not as "fuzzy" as one might believe. The Town Manager sets the pay because the Town Manager has more knowledge about pay scale and sets the salary for all department heads.

Mr. Desmery thanked the Planning Board for its input.

PRESENTATION BY LOCAL HISTORIC DISTRICT COMMISSION REGARDING PROPOSED NEW HISTORIC DISTRICTS FOR ANNUAL TOWN MEETING 2017

Present for the discussion was Ms. Reneé Mierzejewski, Local Historic District Commission (LHDC) chair. She stated that three new historic districts are proposed for Annual Town Meeting 2017: properties on Surplus Street, Washington Street, and Stetson Place. In each case all properties were volunteered by current owners.

Mr. Glennon asked if multiple properties were involved for each district, and Ms. Mierzejewski replied that some are multiple properties but not all are contiguous. She noted that some property owners sought them out.

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Mr. Casagrande asked if future owners would join an existing local historic district, or would they be given another name. Ms. Mierzejewski replied that for now the districts are named after the street where they are located.

Mr. Glennon noted that there appears to be a significant difference in uniformity of district regulations and asked if that might change over time. Ms. Mierzejewski responded that the regulations may be changed over time and a lot of research has gone into creating the current regulations. They borrowed some regulations from towns such as Edgartown, Nantucket, Lincoln and Concord and created some that would apply uniquely to Duxbury.

Mr. Casagrande asked if the regulations change, how would it affect existing properties in a local historic district. Ms. Mierzejewski replied that they have not encountered that situation yet. She noted that in general the LHDC is trying to keep the regulations liberal so they do not foresee an issue. She stressed that any existing property owners would be invited to hearings on any proposed changes in regulations.

Mr. Casagrande stated that the skeptic in him is concerned that if more properties become involved in local historic districts, then the regulations could spiral into becoming more restrictive and not what people signed up for. Ms. Mierzejewski responded that the LHDC does not foresee that happening, adding that they are trying to be lenient just so that does not happen.

Mr. Casagrande asked if people who are volunteering their properties for a local historic district want no changes, and Ms. Mierzejewski replied that they are. She noted that if there are changes to the façade of a building, then the property owners need to come to the LHDC. She stated that the regulations will evolve because the LHDC hopes to have design guidelines that property owners could use for the various architectural styles of different periods in time.

Mr. Wadsworth asked if there is any evidence that value is added by being part of a local historic district, and Ms. Mierzejewski replied that yes, in Edgartown houses in the local historic districts are in demand. The real estate industry says that values rise also, although a definitive increase in value has not been determined yet.

Ms. Massard noted that the LHDC has worked hard for several months and just today issued its preliminary study on the proposed new districts. She stated that that the next steps include a preliminary report evaluated by the state and a Planning Board recommendation. Then the adoption of local historic districts requires a 2/3 vote at Annual Town Meeting after a public hearing, a final decision by the state, and a recommendation by the Board of Selectmen. Mr. Glennon confirmed with Ms. Massard that the preliminary report will be posted on the town web site.

ZONING WORKSHOP

Battelle Proposed Zoning District: Present for the discussion were the proponent, Mr. Merrill Diamond of Diamond Sinacori, and his representatives: Atty. Robert W. Galvin, and Mr. Steve Tise and Ms. Julia Saier of Tise Design Associates. Mr. Glennon stated that many people had attended the proponents' presentation at the Senior Center last spring. The purpose of tonight's discussion is to hear what the proponents have in mind for a zoning district, so comments would be held to a minimum.

The proponents presented a slide show. Atty. Galvin explained that Diamond Sinacori is the contract purchaser of the former Battelle property on Washington Street. He stated that the proponents would like to explain the zoning concept that they intend to bring forward as a citizen petition at Annual Town Meeting 2017. He distributed a two-page synopsis of the proposal to create a Battelle Waterfront Village District for the Planning Board and public to review.

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Mr. Diamond stated that he is a founding partner in Diamond Sinacori and an architect by training. He noted that the only major change from the Senior Center presentation is the removal of a public parking lot of Washington Street, which was removed as a result of public comment at the first presentation.

Mr. Tice presented the concept plan. He noted that a pedestrian easement or walking path leads to the waterfront. He stated that 35 residential units are proposed on the property. Existing historic homes will be fully restored as single-family residences with garages. The Shore House (in center of property) will be fully restored on the interior and exterior. The former boathouse on the waterfront will be moved out of the floodplain and restored as a single-family dwelling. The Clapp Building on the north side of the property will be converted to five small condominium units and the exterior will be restored.

Three new single-family dwellings will be constructed on the south side of the property to fit with the historic homes in the neighborhood. The former large office building/laboratories will be converted to 21 empty-nester single level condominiums with water views on the same footprint. Mr. Tice stated that the view from the water is also being considered.

Mr. Tice presented a side-by-side comparison of existing conditions and proposed site plans. He noted that the landscaping will be different and asphalt will be removed.

Mr. Diamond introduced the proposed zoning district, to be called "Battelle Waterfront Village District" (BWVD). It creates a new type of development called "Waterfront Village Development" (WVD). He stated that the development will be a quiet, residential addition to the town which is appropriate to the neighborhood, and which is targeted to empty-nesters. The land use pattern is not drastically different other than landscape improvements. A significant benefit to the Town of Duxbury will be approximately \$565,000 in property tax revenue, which will make it the largest taxpayer in the town.

Atty. Galvin explained the zoning district further. He noted that the property is currently in the Residential Compatibility (RC) zoning district. What they are proposing would not be allowed in the RC district, so they are proposing this new BWVD district. The use would be allowed by special permit with the Planning Board for a master plan and site plan review. He stated that they have prepared a number of examples that will show that this proposal is for a legitimate public purpose and not spot zoning in order to meet Attorney General approval.

Atty. Galvin stated that the proponents have been working on the zoning proposal for some time and they are still in the process of simplifying the language. He reviewed draft language entitled, "Proposed Battelle Waterfront Village District (revision draft 5)" submitted to the Planning Office on September 27, 2016. Copies were made available to the Planning Board and the public. Atty. Galvin stated that two use areas are proposed:

- Residential Area (RA) for single-family detached and attached dwellings at a density of between one and four dwelling units per acre
- Village Residential Area (VRA) for single family attached townhouses and multi-family dwellings at a density of between four and ten dwelling units per acre.

Atty. Galvin stated that he had spoken with Mr. J.R. Kent of Bayside Marine, an abutter to the property, to see if they wanted to be included in the zoning district but there has been no significant interest to date.

Atty. Galvin noted that prohibited uses are explicitly detailed in the proposed language.

Atty. Galvin stated that the development would be reviewed by the Planning Board through a special permit, including analysis of nutrient loading since the location is at a sensitive site near the bay. Mitigation measures will be at higher standards than the rest of Duxbury Bay. In addition, there will be a fiscal impact analysis, school impact, and traffic impact studies. Low-Impact Design (LID) features will be used to contain

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stormwater. They anticipate that the project will be completed in phases and the construction will use high-end standards. In order to meet inclusionary bylaw requirements, they intend to either construct housing or purchase housing elsewhere in the town.

Atty. Galvin noted that the proposed zoning language is expected to be amended further prior to submittal for the Annual Town Meeting 2017 warrant. He expressed appreciation for the cooperative spirit of the Town of Duxbury and especially the Planning Director, Ms. Massard. Mr. Glennon stated that while he also appreciates a cooperative effort, Ms. Massard will not help draft language. Atty. Galvin stated that Ms. Massard would not be expected to draft language but he does appreciate her feedback.

Mr. Diamond summarized that the project will be expensive to develop and will result in units at the high end of market value. However it will not be an exclusive, gated community. Neighbors will be free to wander around and the waterfront will be accessible to the public.

Mr. Glennon opened the discussion to questions or comments from the Planning Board members. Mr. Uitti asked how nitrogen levels will be monitored on a long-term basis, and Atty. Galvin replied that the units will be sold individually on one common lot with an owners' organization for common areas and elements. Mr. Diamond further explained that the bylaws of the condominium association will be legally binding, and a manager will be on site to monitor nitrogen loading. Mr. Uitti stated that he is a condominium attorney and expressed concern for once the developers are gone, and Atty. Galvin responded that property management will be employed and will report to the town. Mr. Tice offered to share language that will be included on deed restrictions.

Ms. Ladd Fiorini expressed concern that listing prohibited uses may open the door to other uses that are not listed as expressly prohibited. Atty. Galvin replied that only specific uses are allowed. Ms. Massard noted that the prohibited uses may have been added when a previous version included commercial uses.

Mr. Wadsworth commented about potential site-specific issues, and Atty. Galvin responded that the proponents intend to meet or exceed standards. Mr. Wadsworth offered to provide the proponents with a spreadsheet template for a fiscal analysis that had been used with a previous Planned Development project.

Ms. Turcotte departed the meeting at 9:04 PM.

Ms. Massard provided comments and offered to send an outline to the proponents with the following comments / questions:

- * How is there clear public benefit that would demonstrate that the proposal is not spot zoning?
- * There is no reference to public access in the current draft zoning language. It should be added or Memorandum of Understanding drafted.
- * One cohesive master plan is needed. Parts should not be carved off as individual lots using Residential Compatibility zone with the remainder master planned using the proposed new overlay.
- * Dimensional standards are vague.
- * There does not appear to be a "village" aspect to the Village Residential Area.
- * Consider simplification of use areas.
- * Landscape requirements in the proposed draft language are very loose and not measurable.
- * Zoning needs to be more specific: criteria, overall density, for example.
- * Would the roads be designed separately according to Subdivision Rules and Regulations? Peer review engineers will need significant amount of time to review any proposed new Subdivision Rules & Regulations.
- * No application submittal specifications are included in the draft language.

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Overall, she urged the proponents to proceed cautiously but quickly because there is limited time before the warrant closes, which does not allow much time for public input.

Mr. Glennon noted that he is looking at the proposed zoning, not the merits of the proposed development, and considers what makes the most sense for the town and the developers. He asked if the applicants had considered applying for a use variance, a process that already exists, rather than proposing a new zoning district. Atty. Galvin replied that they had considered a variance but had been advised by town officials that it might be difficult to approve as a variance.

Mr. Glennon commented that he is having trouble distinguishing the two use areas. He asked if defining two use areas was necessary due to the phasing of the project. Atty. Galvin replied that the proponents may eventually combine the use areas into one with the master plan to delineate areas that allows both condominiums and single-family units.

Mr. Uitti asked if the project would be one condominium or two based on type of dwelling unit, and Atty. Galvin responded that it would be one single condominium with individual units and one common area. Mr. Glennon asked if exclusive use areas would be included, and Atty. Galvin stated that they would probably be at the rear of the units.

Mr. Wadsworth commented that zoning through Town Meeting is difficult, and advised the proponents that Ms. Massard is good at educating about the process. Atty. Galvin stated that he hopes to get Planning Board support before going to Annual Town Meeting.

Mr. Glennon opened the discussion to the public. Town Manager, Mr. René Read, advised the proponents of the Annual Town Meeting deadlines. Ms. Massard added that zoning amendments also have unique timelines, and advised the proponents to submit language by the end of October in order to allow time for a public hearing prior to the warrant closing.

Ms. Sarah McCormick of 43 Peterson Road asked if the proponents have considered a mixed-use development. Mr. Diamond replied that he is aware of other proposals for the land including Island Creek Oysters. He stated that his first stop was to meet with the owner of Island Creek Oyster to find out if they could work together. The Island Creek Oyster representatives indicated that their intended use would involve large buildings for processing which is not compatible with a residential use. He stated that he allowed Battelle to consider a proposal from Island Creek Oyster and was informed by Battelle that Island Creek Oyster had failed to provide information. He stated that he has always been open to partnering with Island Creek Oysters and they had the opportunity to supplant him with his permission. He stated that he had offered Island Creek Oysters to open a restaurant as a part of his development but it did not match their vision. He stated that he is always open to talking with any interested party. Mr. Diamond stated that he intends to do a great job and he is not bottom-line driven and what he builds will be fitting with the historic/architectural character of the town.

Ms. Amy MacNab of 269 Old Tobey Garden stated that she is concerned that the proposal might be viewed by the Attorney General as spot zoning. She stated that she hopes to see a clear public benefit. Otherwise she suggested that the developers could consider either a subdivision or a one-parcel condominium development. She stated that the prohibited uses in the proposed draft language are not needed because they might leave out a use. In addition, uses like "adult uses" described in the proposed language are not allowed in any other district, in her opinion. Ms. MacNab recommended that the term "overlay" should be included in the name of the proposed zoning district to make sure that it is understood that Residential Compatibility is the underlying zoning.

Atty. Galvin thanked the Planning Director, Planning Board, and public for their comments. Mr. Glennon confirmed with Mr. Read that Mr. Diamond's earlier presentation is available for viewing on PAC-TV, the local cable access channel.

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ZBA REFERRAL, SPECIAL PERMIT: 848 FRANKLIN STREET / HANSEN

Planning Board members reviewed this special permit application to construct a second story addition to a pre-existing nonconforming single-family dwelling. Ms. Massard explained that it is a grandfathered undersized lot. Ms. Ladd Fiorini stated that the only issue appears to be volume because nothing else is changing. Mr. Glennon stated that when you're adding a second floor on a structure that encroaches the setback, it could be determined by the Zoning Board of Appeals as detrimental to the neighborhood. Mr. Casagrande noted that the second floor is going up on the front portion of the house with no changes to the setback.

MOTION: Mr. Casagrande made a motion, and Mr. Uitti provided a second, to recommend APPROVAL to the Zoning Board of Appeals regarding a special permit application for 848 Franklin Street / Hansen, to construct a second story addition to a pre-existing nonconforming single-family dwelling.

DISCUSSION: Mr. Wadsworth stated that he would prefer to defer judgment to the Zoning Board of Appeals (ZBA). Mr. Glennon and Ms. Ladd Fiorini agreed. Mr. Uitti stated that although he respects his colleagues, he believes that the ZBA would like an opinion. Mr. Casagrande stated that there do not appear to be any zoning issues and there are no neighbors across the street. Mr. Glennon stated that the issue is whether the proposal would be substantially detrimental to the neighborhood, and the Planning Board does not have that information. Mr. Uitti suggested that the ZBA could provide guidance on what they are looking for from the Planning Board. Mr. Glennon stated that he would look at the statute.

VOTE: The motion failed (2-3), with Mr. Casagrande and Mr. Uitti voting for, and Mr. Glennon, Ms. Ladd Fiorini, and Mr. Wadsworth voting against.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit application for 848 Franklin Street / Hansen, to construct a second story addition to a pre-existing nonconforming single-family dwelling.

VOTE: The motion passed (3-2), with Mr. Casagrande and Mr. Uitti voting against.

PLANNING DIRECTOR REPORT

Ms. Massard reported that there are currently 39 articles in the draft Annual Town Meeting 2017 warrant, and the majority of them are zoning articles. She reviewed the potential zoning articles:

Demolition Delay: Ms. Massard stated that she has not heard from the Historical Commission since the August 24 zoning workshop discussion with the Planning Board.

Aquifer Protection Overlay District (APOD): Ms. Massard stated that this would be sponsored jointly by the Zoning Bylaw Review Committee (ZBRC) and Planning Board. She noted that the ZBRC has decided to table the complete re-write but map references may be needed to protect future well sites. She will be reviewing the language.

Zoning Map References: Mr. Wadsworth asked if there would be another workshop or a public hearing. Ms. Massard replied that it had not been determined if another workshop is needed; a new public hearing is needed for Annual Town Meeting 2017 although the Planning Board just held a public hearing when it was on the Special Town Meeting 2016 warrant a few months ago.

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Residential Conservation Cluster (RCC): Ms. Massard referenced a memorandum from Atty. Art Kreiger of Anderson & Kreiger, town counsel, with bylaw interpretations. Ms. Massard noted that the ZBRC consultant has requested additional funding to do further review of the RCC overhaul, so the re-write has been tabled for now.

Definitions: ZBRC has initial draft language ready, and definitions from the Demolition Delay bylaw (if the Historical Commission brings it forward) will need to be added if the ZBRC decides to move forward.

Administrative Site Plan Review / Special Permits: Combining these two reviews so that the Planning Board is the special permit granting authority when site plan review is required will simplify the process. Language is in initial draft form and the consultant has been asked by the ZBRC to get a draft ready.

Nonconforming Lots: Ms. Massard noted that at Annual Town Meeting 2016 this proposed article was indefinitely postponed. In addition, a change in zoning statute in Massachusetts was adopted recently that may affect this.

Wetlands Protection Overlay District: Ms. Massard stated that the ZBRC is looking at two different aspects: piers and clarifications. She stated that she is not sure that language will be ready for Annual Town Meeting 2017, in part because the Conservation Commission is currently changing its rules and regulations.

Mr. Glennon asked which ZBRC zoning articles are likely to move forward to Annual Town Meeting 2017. Mr. Casagrande responded that the ZBRC needs to meet and discuss this, and it involves the consultant's allocation of time. He stated that most likely the ZBRC will bring back the three articles from Annual Town Meeting 2016 (RCC, Inclusionary, Nonconforming Uses) and Definitions. He stated that the Administrative Site Plan Review / Special Permit amendment may have to wait until 2018.

Stormwater: Ms. Massard stated there are two aspects. She, the Conservation Administrator, the DPW Director and the Building Commissioner all agree that stormwater design standards are needed due to EPA regulations. This would create one set of design guidelines to provide consistency to site plans submitted to various departments. It is possible that funding could be requested at Annual Town Meeting 2017 for a consultant to draft them. Mr. Wadsworth asked if maintenance would be addressed, and Ms. Massard replied that it would. Secondly, a stormwater containment zoning amendment pointing to a stormwater design standard is proposed.

Green Community: Ms. Massard reported that the schools are interested in funding that would be created by the Town of Duxbury being designated as a Green Community. She stated that the town has obtained a technical assistance grant from one of its regional planning agencies, the Metropolitan Area Planning Council (MAPC) for help in filing for becoming a Green Community. As one requirement to become a Green Community, Duxbury has to have by-right alternative energy zoning. One possibility is to zone some town-owned land for solar use. Mr. Glennon asked what would be the benefit of becoming a Green Community, and Ms. Massard responded that it would open up hundreds of thousands of dollars for energy conservation projects. The schools have urgent needs to replace windows, update heating and lighting in order to reduce energy use, and the town as a whole will benefit.

Affordable Housing Bylaw: Ms. Massard stated that the Duxbury Affordable Housing Trust is talking about bringing forward the same language that was indefinitely postponed at Annual Town Meetings in 2015 and 2016.

One Unit per Lot: Ms. Massard reported that she has looked carefully at this issue for the past year and now Town Counsel has issued an interpretation through a memorandum dated September 14, 2016 from Atty. Art Kreiger that the Zoning Bylaws do allow more than one dwelling on a lot and guidance is provided on multiple dwellings within the Zoning Bylaws. She proposed a future workshop with Town Counsel present because there are differences of opinion on this and it needs more dialogue.

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Ms. Massard added that the expectation is to bring an article forward for Annual Town Meeting 2017, but there is way more to the issue than just the simple fix due to the need to determine how the rest of the bylaw is affected. She reported that the Board of Selectmen will discuss zoning articles at its meeting on Monday, and they will ultimately decide what goes on the Annual Town Meeting warrant.

Revitalizing Downtowns: Ms. Massard announced that the South Shore Coalition of the Metropolitan Area Planning Council (MAPC) is hosting a Revitalizing Downtowns forum on October 25, 2016 at 8:30 AM at the Senior Center in Rockland. She noted that this forum was designed specifically for Duxbury and other communities, and members of the Economic Advisory Committee, Board of Selectmen, and Duxbury Business Association have been invited. The general public is also welcome to attend.

OTHER BUSINESS

Meeting Minutes:

MOTION: Mr. Casagrande made a motion, and Mr. Uitti provided a second, to approve the Planning Board minutes of September 14, 2016 as written.

VOTE: The motion carried unanimously, 6-0.

Planning Board Meeting Start Time: Mr. Wadsworth asked Planning Board members to consider a start time at 7:30 PM rather than 7:00 PM. Mr. Glennon stated that he has no objection to the current start time, and tonight’s meeting has extended to 10:30 PM. Mr. Uitti agreed that a later start time would lead to a later end time. Mr. Casagrande stated that he has no issue with the 7:00 PM start time.

ADJOURNMENT

The Planning Board meeting adjourned at 10:30 PM. The next Planning Board meeting will take place on Wednesday, October 12, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

MATERIALS REVIEWED

- Planning Board agenda for 09/28/16
- Revised ANR plan submitted 09/22/16 for 357 West Street / Bitters
- ANR application , plan and materials for 0 North Street / Baldwin
- “Proposed Battelle Waterfront Village District (revision draft 5)” submitted by Atty. R.W. Galvin
- ZBA special permit application and materials for 848 Franklin Street / Hansen
- Staff report for ZBA referral
- Draft minutes of 09/14/16

DISTRIBUTED AT MEETING

- Anderson & Kreiger memorandum dated 09/14/16 re: Zoning Bylaw – RCCs, Special Permits and Inclusionary Housing
- Diamond Sinacori presentation materials for proposed Battelle Waterfront Village District
- “Working Draft Compiled by Planning Office of Duxbury, September 28, 2016” spreadsheet of potential ATM17 articles

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