



Town of Duxbury Massachusetts Planning Board

Approved 1/22/2020

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DUXBURY, MASS.

Minutes 1/8/20

The Planning Board met on January 8, 2020 at 7:15 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Present: Scott Casagrande; Chairman, Brian Glennon II; Vice-Chairman, David Uitti; Clerk, John Bear, and George Wadsworth.

Absent: Jennifer Turcotte and Cynthia Ladd Fiorini.

Staff: Valerie Massard; Planning Director and Emily Hadley; Administrative Assistant.

Mr. Casagrande called the meeting to order at 7:17 PM.

OPEN FORUM

Mr. Glennon said that he would like to recognize the Planning Board as being among the first Boards to recommend that the Board of Selectmen exercise the Town's Right of First Refusal to purchase the Chapter 61A land at 0 East Street (Loring Bogs), and that purchase now appears to be proceeding.

A) APPROVAL NOT REQUIRED PLAN: MAYFLOWER CEMETERY

Ms. Massard explained that the Cemetery Department wants to confirm the Cemetery land plan based on previous action at Town Meeting. Bob Hayes, Chairman of the Board of Trustees of the Cemetery, and Chip Locketti, Cemetery Superintendent, presented the plan for Mayflower Cemetery. Mr. Hayes explained that a swap of land between the Town and Cemetery that was approved at Town Meeting in 2011 and a plan was to be drawn and recorded.

Mr. Hayes further explained that Joe Grady, Conservation Administrator, had looked for the recorded plan and could not find it, so he reached out to the surveyors, who provided a receipt, but the plan could not be found. Mr. Hayes said that the surveyor redrew the plan and the Cemetery Department needs the new plan to be endorsed so it can be recorded.

Mr. Glennon asked what the abbreviation "TTC - Tow to Cemetery" in Note 3 on the plan represents. Ms. Massard explained that it is probably meant to read "Town to Cemetery." Mr. Glennon pointed out several misspellings of the word "cemetery" in the plan and also pointed out that in Note 3, two different line styles are said to represent new lot lines.

Ms. Massard, Mr. Hayes and Mr. Locketti will review the plan together following the meeting to make the necessary corrections noted by the Board.

Motion: Mr. Glennon made a motion to endorse the ANR Plan titled "Approval Not Required Plan Mayflower Cemetery - Duxbury, MA" by Alpha Survey Group, LLC and dated February 29, 2012 after the appropriate edits are made. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

B) LITTLETOWN WAY SUBDIVISION

Ms. Massard said that Amory Engineers approved the as-built plan for Littleton Way, showing that everything is complete. She explained that plantings were done in late summer. Ms. Massard said that and Amory Engineers were of the opinion that the Planning Board may not want to require anything for escrow, however, the developers provided a two year landscaping guarantee. Ms. Massard said that she recommends the Planning Board release any remaining funds, including accrued interest. Ms. Massard restated that all the work on the plan has been completed.

Mr. Casagrande asked if the rain gardens are as expected. Ms. Massard said that the rain gardens were planted and are satisfactory. Mr. Bear asked if a fire hydrant had to be relocated. Ms. Massard responded that the hydrant had to be reset. Ms. Massard explained that her recommendation is that the Board accept the as-built plan, release escrow, release covenant, and any remaining performance guarantee.

Mr. Uitti asked if the \$3,000 guarantee has been paid to Coastal Excavation. Ms. Massard responded that normally, the signed document signifies acceptance of the proposal. Mr. Glennon pointed out that the copy of the plan distributed with the Board's meeting materials is not signed, and asked if the Planning Department has a signed version of the as-built plan. Ms. Massard said that the staff can check to see if they have a stamped and signed plan. Denis Dolabany, 4 Littleton Way, asked if the warranty for the plantings is for a year. Mr. Uitti responded that it is for two years from the date of installation. Mr. Wadsworth asked what Easement B on the plan is used for and Ms. Massard responded that it is used for maintenance to rain gardens.

Mr. Dolabany asked when Littleton Way will be on GPS or Google Maps and Ms. Massard said that it is a private sector issue and is not something that the Planning Board is involved with. Mr. Dolabany asked when the top coat on the road will be finished. Ms. Massard said that the road is already finished. Mr. Dolabany also asked if Littleton Way will remain a private way, and if so can they put up a private way sign. Ms. Massard said that it will likely remain a private way, but the Department of Public Works should be contacted about the proper signage for a private way.

The Planning Board continued the matter and will further discuss the subdivision when they are provided with a signed and stamped version of the plan and have proof of payment of the landscaping performance guarantee.

C) 397 WASHINGTON STREET (WATERFRONT REALTY)

Ms. Massard reminded the Board that they accepted the as-built plan for 397 Washington Street at their previous meeting on November 20, 2019. She said that the Planning Department would like to release the remainder of the escrow plus any accrued interest to Jonathan Marks, Waterfront Realty.

In response to an inquiry by Mr. Glennon, Ms. Massard confirmed for the Board that there are no outstanding invoices or expected additional charges in this matter.

Motion: Mr. Glennon made a motion to release the remaining funds, plus any accrued interest, in the escrow account for 397 Washington Street to Jonathan Marks, Waterfront Realty. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

D) RIGHT OF FIRST REFUSAL: 761 TEMPLE STREET

*Note: All applicable Purchase and Sale Agreements were received by the Planning Department, but not all of the Agreements were sent out to the Planning Board prior to the meeting due to an administrative error, discovered after the meeting.

Ms. Massard said that this is a revised Purchase and Sale agreement for 761 Temple Street. Ms. Massard said that the recommendation from the Town Manager's office is that the Town does not appear to have the funding to buy the land, but the Wildlands Trust has expressed interest in acquiring the land, so it will have to be a fundraising effort. Mr. Casagrande asked if this revised Purchase and Sale agreement is to restart the clock. Ms. Massard said that the agreement is still under review.

Mr. Glennon said that the agreement is only for Parcel A, the agreement references Chapter 61A land, which references both yellow and pink areas on the plan, but the Purchase and Sale is only for the pink area. Mr. Casagrande said that the land is broken into three pieces. Ms. Massard said that it may be a faulty notification if that is the case. Mr. Casagrande said that he would like to see the land indicated by the areas in yellow and pink for \$1.5 Million and that he does not foresee the Town coming up with the money, but welcomes another group to try to raise the funds to protect the land. Ms. Massard said that the land that did not make it into the Chapter 61A land is wetlands and there is a lot of unclear information about the land valuation. She said that there are not a lot of details and she does not know if there are additional Purchase and Sale agreements.

Motion: Mr. Uitti made a motion to discuss making the following suggestions to the Board of Selectmen: that a citizen's group has submitted documentation of possible legal inaccuracies and suggested the Board of Selectmen should invest in legal review; that if the agreements are legally adequate, the Selectmen pursue any and all alternatives for a group to obtain the land for conservation purposes; and noting that the Planning Board may not have been provided with all of the appropriate information. Mr. Glennon provided a second to further discuss the topic.

Mr. Wadsworth said that a development on the land could cause low drinking water quality in the Aquifer Protection Overlay District, due to high densities of septic systems and large amounts of nitrogen. He said that he is supportive of anything on the land that will reduce the possibility of poor water quality, such as single-family houses. Mr. Bear asked if the Conservation Commission has any ideas about the land. Ms. Massard said that there has been a lot of coordination with between the Conservation Commission, Town Manager and Board of Selectmen. She said there was a joint meeting between the Community Preservation Committee, Conservation Commission, and Board of Selectmen, and they were supportive of conserving the land at that time.

Mr. Casagrande said that this particular piece of land highlights the issues with the value of buildable land in Duxbury, conserving them is great, but it will be a great cost to the Town. He said it would be great if the Town could work with the Wildlands Trust. He noted that it will be increasingly difficult for the Town to obtain land like this in the future because of how rare it is. Mr. Wadsworth said that it is his understanding that the Conservation Commission has wanted to obtain the land for a long time and had suggested in the past that the owner sell off the land little by little, but she declined. Mr. Wadsworth noted that the O'Neil Farm was preserved with the Wildlands Trust.

Vote: 5-0, unanimous (to make the above-mentioned recommendations to the Board of Selectmen).

E) PLANNING DIRECTOR REPORT

Ms. Massard explained that she decided to start distributing written reports to the Planning Board and items can be discussed further at the meetings if necessary. Mr. Casagrande noted that the Planning Department has several projects approaching wrap-up and said that the written Planning Director report is very helpful. Ms. Massard said that everything is on the Town Website.

Mr. Glennon commended the Planning Director for the money that has come to the Town through Ms. Massard's multiple and successful grant applications. Mr. Casagrande said that it would cost the Town a tremendous amount of money to do all the work the Board has been doing without funding from these grants. Ms. Massard thanked the Metropolitan Area Planning Council (MAPC) for their help with several projects and also thanked surrounding towns for their cooperation. Mr. Uitti mentioned that many of the grants were brought to the Board's attention by Ms. Massard without any instruction from the Board.

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Mr. Wadsworth noted that Exit 10 is discussed in the written report and asked about the expectations for the project. Ms. Massard explained that half of the exit is in Kingston and the other half is in Duxbury. She explained that when the Island Creek Chapter 40B housing units was being permitted, it was discussed that once it's built out it is warranted for a signal and it was proved that it needed a signal already with the existing traffic. It was put in the Transportation Improvement Plan (TIP) in Boston's MPO. Ms. Massard said that there is a new Planner and Administrator in Kingston, Duxbury switched MPOs to the Old Colony Planning Council (OCPC) MPO and we are now working with surrounding Towns for transportation planning. Ms. Massard said that with the Department of Public Works Director and Town Manager, she met with Kingston and has brought Old Colony Planning Council, Mass Highway District 5 and engineers that did the original design and produced a new estimate.

Ms. Massard said that people have told her that they go out of their way to take different exits to avoid taking Exit 10. Mr. Casagrande noted that there are a lot more cars and people walking on the roads recently, making the exit more dangerous. Ms. Massard said that the project has full support from State Representatives, and that she is giving a presentation about Exit 10 at the Highway Safety Committee meeting on January 9, 2020. Both Kingston and Duxbury have to come up with \$235,000 from Town Meeting to get the work done as soon as possible. She said that there is Federal and State funding lined up as soon as the engineering design is completed.

Ms. Massard said that there is a summary of Planning-related warrant articles for 2020 Town Meeting in their handouts. She told the Board that there will be a public hearing at the Board's next meeting on January 22, 2020 to discuss the FEMA article and the Medical Marijuana scrivener's error article. Ms. Massard said that Town Counsel will be available to meet in February to go over the reorganization of the zoning. She said that there is a summary of the warrant articles on the Planning Department's website. She explained that the creation of the use table will make the Zoning Bylaws easier to read and will help with the next phase of zoning recodification and administrative streamlining, which is also proposed, will also make future edits easier to understand.

Ms. Massard said that she is almost done with redrawing maps digitally. She explained that a lot of the Town's maps are out of date and are not available digitally. She said she is almost done drawing the Wetlands Protection Overlay District (WPOD) maps and explained that she is not changing anything on the maps, just digitizing them. She explained that for the digitization of the maps, money is used from the Comprehensive Plan funds and a small amount is from Town Meeting allocated for this purpose.

Ms. Massard said that there is one zoning citizen's petition. She said that the Planning Department was not made aware of this petition and they may need to propose an alternative if it is a part of the Bylaw that will be taken out. She explained that the idea is that if someone wants to get a building permit, the neighbors around them will be notified. Ms. Massard said that the Director of Municipal Services is okay with the article. Mr. Bear asked if it is the language that the citizen brought in. Ms. Massard responded that she is not sure, but she said the citizens worked closely with the Town Manager on the article. Mr. Bear noted that a large number of

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building permits are quick approvals. Mr. Uitti said that the article only requires a notice if the work is over 1,000 square feet. Ms. Massard said that she will meet with the Director of Municipal Services to see how this will affect the Department.

Ms. Massard explained that the General Bylaw article regarding Local Historic Districts is to delete the general town-wide map with all of the districts and reference the individual maps when Local Historic Districts are adopted at Town Meeting to be consistent with added requirements being addressed for the Finance Committee. She also explained that there is a capital article for beach maintenance funding which would ask the Town for local match for a beach nourishment grant with Marshfield. She said that another article proposes a set aside for matching of grants to work on replacing the undamaged sea wall.

Ms. Massard told the Planning Board that she would like them to adopt a set of Administrative Rules and Regulations. She said that there was a draft in 2007 or earlier and it is not clear if it was ever adopted. She explained that she put together the Administrative Rules based on the Rules of the Zoning Bylaw Review Committee. Ms. Massard said that the document would contain applications and descriptions of what is required for Residential Conservation Clusters (RCC), Planned Developments and Administrative Site Plan Reviews and would take those requirements out of the Zoning Bylaws. Ms. Massard told the Board that there is a draft for them to review in their handouts. She said she would like to have the rules adopted in February before Town Meeting. Ms. Massard said that the previous version of the Administrative Rules was so outdated that there was not any staff at the time.

Mr. Casagrande said that the Administrative Rules and Regulations edits to zoning were reviewed by Town Counsel as part of Zoning Recodification. Mr. Glennon requested that the Rules and Regulations be forwarded to the Board in Microsoft Word, and Ms. Massard said that she has already sent the digital version of the document to the Board. Ms. Massard said that the Planning Department can come back and change the forms in the future. Mr. Glennon asked if it would be worthwhile to put fees into the Administrative Rules and Regulations, and Ms. Massard agreed and noted that Planning Department updated its fees recently.

Mr. Wadsworth said that it is more difficult to change the rules when it is in the Zoning Bylaw, and the Board can change the Administrative Rules and Regulations at any time with a majority vote, making it much easier to change things. Ms. Massard said that it is standard for most towns now to have separate Zoning Bylaws and Rules and Regulations. Mr. Glennon explained that the rules are not changing, but the documentation is changing and that the final set of Rules and Regulations will lay out what needs to be done at what time. Mr. Casagrande noted that it is very similar to the Subdivision Rules and Regulations.

Regarding the use table, Ms. Massard said that she has received opposition from people who think the Board should make all of the changes to the Bylaw at once. Mr. Casagrande said that it becomes policy changes if the Board tries to make all changes at one time and it will get confusing when things are put in or taken out of the Bylaw. Ms. Massard asked the Board to

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review and edit a rough draft of the Zoning Bylaws and Administrative Rules and Regulations merged (Attachments A and B).

Ms. Massard said that the Planning Board has a joint meeting with the Board of Selectmen on Monday, January 13, 2020 at 7PM. She explained that the Boards will discuss the Comprehensive Plan and the Snug Harbor Resiliency Study by MAPC. She said that she worked with department heads and rewrote the Implementation Tables for the Comprehensive Plan and received no negative comments, but some of the strategies were reworked. Mr. Glennon asked if the Implementation Tables include the goals the Board voted upon with Town Counsel at a previous Planning Board meeting. Ms. Massard responded that yes, these goals were what the Board had voted upon. She said that the main edits on the tables were who would take the lead and backup for each strategy. Ms. Massard explained that MAPC is building the edits on the tables back into the Comprehensive Plan.

Mr. Bear asked how Ms. Massard will be able to run through the whole Comprehensive Plan at the joint meeting. Ms. Massard said that Josh Fiala from MAPC will be giving a presentation of an overview of the Comprehensive Plan. She also said that the Planning Department invited the Master Plan Ambassadors to the joint meeting to present them with certificates of appreciation and that she drafted a letter to the editor at the Duxbury Clipper to thank everyone for their comments. Mr. Glennon suggested that for the letter to the editor, background should be added on what the Comprehensive Plan is and that it has been about 20 years since Duxbury's last one was created. He also suggested that Town Meeting is thanked in the letter. Ms. Massard said that she will send the letter in to the editor signed by the Planning Board.

Ms. Massard said that for the Snug Harbor Resiliency Study, MAPC conducted a survey and focus groups of water and land-based businesses and residents in Snug Harbor, discussing issues and possible solutions for sea level rise. This qualified as local match, which allows Duxbury to get a grant from MVP to model the most recent data from Woods Hole Group for predicted sea level rise at chosen horizons and possible solutions. Ms. Massard said that she is working with Eversource and other businesses to create public and private models of infrastructure through the Woods Hole Group under this grant. She said that sea level rise projections are several feet for the Snug Harbor area.

Ms. Massard told the Board that she is now the chair of the South Shore Coalition and said that in member's handouts is a summary of the Coalition's activities over the last year. She noted that this is where she learns about many of the grants she applies to. Ms. Massard told the Board that the T3 Transportation Table is a push in Boston to focus money on infrastructure.

Ms. Massard read aloud a letter from James Miele, a student at Hobart and William Smith College, who expressed concern about Duxbury residents' apparently laid back attitude towards climate change. Ms. Massard said that he had expressed interest in helping the Planning Department with climate change-related projects, so he may be interning/volunteering with the Department next summer. Mr. Wadsworth asked if Mr. Miele had said in his letter that Duxbury would experience 8 feet of sea level rise. Ms. Massard responded that Duxbury is likely to

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experience around 8 inches of sea level rise in the next few years, but could experience about 6 feet of sea level rise in the longer range.

Ms. Massard said that there are already roads that are flooding at high tides, people are asking if the Town can raise roads, and JR Kent is considering abandoning his business in the future. She also said that Duxbury Bay Maritime School raised their structures, but they cannot raise the parking lot, so they are vulnerable to sea level rise as well. Ms. Massard said that this study will help the Town figure out the best way to spend its money to address sea level rise.

F) OTHER BUSINESS

Minutes

Motion: Mr. Wadsworth made a motion to approve the minutes from November 20, 2019. Mr. Glennon provided a second, conditional on several edits.

Vote: 4-0, Mr. Uitti abstained due to absence from the November 20th meeting.

Engineering Invoices

Motion: Mr. Glennon made a motion to approve invoice number 15244F from Amory Engineers, P.C. for Littleton Way dated December 2, 2019. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

Motion: Mr. Glennon made a motion to approve the following invoices from Amory Engineers, P.C.: invoice number 15244C for Dogwood Drive dated December 2, 2019, invoice number 15244D for 298 Kings Town Way dated December 2, 2019, and invoice number 15244E for 397 Washington Street dated December 2, 2019. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

Motion: Mr. Glennon made a motion to approve invoice number 8391 from Merrill Corporation for McLean's Way dated December 19, 2019. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

K.P. Law, P.C. Invoices

Mr. Glennon asked if the highlighted invoice was the same invoice reviewed at the last Planning Board meeting, redistributed with items highlighted. Ms. Massard responded that it is a new invoice for professional services through October 31, 2019. Mr. Wadsworth asked if the Planning Board has funds for legal fees. Ms. Massard explained that the funds come from the Town Meeting warrant.

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Motion: Mr. Glennon made a motion to approve the highlighted items regarding Zoning Recodification on invoice number 123153 from KP Law, P.C. dated November 21, 2019. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

Motion: Mr. Glennon made a motion to approve invoice number 123823 from KP Law, P.C. dated December 20, 2019, noting that all the items pertain to Zoning Recodification. Mr. Uitti provided a second.

Vote: 5-0, unanimous.

Construction Cost Estimates

Ms. Massard said that the Building Department figured out a way to print descriptions for the "Quick Permits" section of the monthly Building Permit reports, as was previously requested by the Board.

Planning Board Schedule for 2020

The Planning Board looked over a draft meeting schedule for 2020. Mr. Glennon asked if the Board wants to keep the meeting time at 7:15PM. Mr. Wadsworth and Ms. Massard said that it is their preference to keep the meeting starting time at 7:15PM. Ms. Massard noted that the schedule is for the second and fourth Wednesday of each month, with some adjustments made for holidays. She also noted that on March 11, PAC TV will be showing a candidate forum live, so the Planning Board meeting on that date will not be televised live, but will be available to view online.

Mr. Bear asked if the Planning Department is aware of anyone interested in becoming a member of the Planning Board. Mr. Casagrande and Mr. Glennon said that they know someone who may be interested in getting involved. Mr. Bear said that he will be stepping down from the Board after his term expires.

ADJOURNMENT

Motion: Mr. Uitti made a motion to adjourn at 9:12PM. Mr. Wadsworth provided a second.

Vote: 5-0, unanimous.

The next Planning Board meeting will take place on January 22, 2020 at 7:15PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Materials reviewed at the meeting:

- ANR Plan: Mayflower Cemetery

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- Littletown Way: Cover Sheet, As-Built Plan, Amory Engineers Review Letter, Email Correspondence - Amory Engineers and Valerie Massard RE: Plantings, Performance Guarantee & Coastal Excavation Two-Year Plant Warranty
- Purchase and Sale Agreements: 761 Temple Street
- Planning Director Report
- Planning Board Agenda Planner
- 2020 Town Meeting Planning Department Article Tracker
- Duxbury Planning Board Public Hearing Notice January 22, 2020
- Copy of Zoning Warrant Article Citizen's Petition
- Planning Department Memo RE: Joint Meeting with Board of Selectmen on January 13, 2020
- Planning Department Memo RE: Zoning Recodification
- Draft Zoning Bylaws
- Draft Attachment A - Use Table
- Draft Comprehensive Plan Implementation Table of Goals, Strategies, and Actions
- Draft Letter to the Editor at the Clipper
- Draft Administrative Rules of the Planning Board
- Draft Applications for Special Permit, Stormwater and Administrative Site Plan Review
- Draft Duxbury Stormwater Guidelines
- Draft Snug Harbor Resiliency Study
- South Shore Coalition 2019 Annual Report
- Minutes 11/20/2019
- Amory Invoices: #15244C, #15244D, #15244E, and #15244F
- Merrill Invoice #8391
- KP Law Invoices: #123153 and #123823
- Building Permit Reports: November 2019, December 2019, and Revised December 2019
- Draft Planning Board Meeting Schedule 2020
- Letter from James Miele, Hobart and William Smith College
- The Transportation Table (T3)