



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
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DUXBURY, MASS

Minutes 3/11/20

The Planning Board met on March 11, 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; Cynthia Ladd Fiorini; Jennifer Turcotte and George Wadsworth.

Absent: John Bear.

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

Mr. Casagrande called the meeting to order at 7:20 PM.

OPEN FORUM

Cynthia Ladd Fiorini encouraged the public to stay until the end of Town Meeting to hear about the Community Preservation Committees amendments.

Ms. Massard said while there is concern with the COVID19, there is some good news - she heard spring peepers outside this week. She also told the Board that at this time Town Meeting is still occurring as scheduled, but the Town Department Heads have a meeting tomorrow morning to further discuss how the coronavirus will affect operations at Town Hall. **Annual Town Meeting has since been postponed to Saturday, May 2, 2020 at 9AM at the Duxbury Performing Arts Center due to the coronavirus.*

*Some agenda items were taken out of order during the meeting. These minutes reflect the items in the order they appeared on the agenda.

CONTINUED PUBLIC HEARING: 2020 ANNUAL TOWN MEETING ARTICLE #25 - ZONING BYLAW USE TABLE AMENDMENT (ATTACHMENT A)

Mr. Casagrande said that the Board cannot go forward with bringing the article to Town Meeting. Ms. Massard said that after a long process of meeting with the two individuals who had issues with the article, the use table has to be indefinitely postponed because the language in Attachment A is now too different from the language in the warrant, and there is not adequate time for public review. She said that to resolve the issues, the language had to substantially change the content, to the point that it is too different from what was originally proposed, and

PLANNING BOARD MINUTES

Date: March 11, 2020

Page 2 of 7

this determination was made through Town Counsel. Mr. Casagrande said that he thinks the Board got to a good point with the use table but going into the next year the Board will probably make their way through the whole bylaw at one time with Town Counsel.

Ms. Massard said she has spoken with Amy Kwesell at KP Law, and that the Board could follow Kingston's model and suggest a rewrite of the bylaw, with public hearings being held prior to the warrant being published. Mr. Glennon asked if it is reasonable to rewrite the entire bylaw before Town Meeting. Ms. Massard said that Town Counsel thinks it is a reasonable request, and has been done in other communities – it will depend on the public process – the key is to have it rewritten prior to the warrant being published, in conversation with Town Counsel.

Mr. Uitti said that he thinks the Planning Board has started to lay the groundwork for citizens and the Board to work together, rather than arguing about issues at public hearings. He said that the Board needs ambassadors who are well-respected in the Town to support their articles, and they also add a lot of value with their input.

Mr. Uitti said that Mr. Casagrande deserves a lot of credit for the work he did on the use table behind the scenes. Ms. Massard said that the Board has made a lot of progress towards a possible partnership with people who have differing opinions.

Ms. Ladd Fiorini asked what the process is for the bylaw rewrite. Ms. Massard said that the Board will be provided with a workbook around April and will work on it throughout the year. Mr. Casagrande said that Town Counsel has some things flagged in the bylaw to fix that can be used in the rewrite, such as the use table.

Mr. Casagrande said that this process has made the Board discover that how some things read in the bylaw are not how they were intended. Ms. Massard said that more definitions should be added to the bylaw as well.

Mr. Glennon said that the Board does not necessarily have to reconstruct the entire bylaw, they could start over, and KP Law has done this in the past. He suggested bringing in Ms. Amy Kwesell from KP Law to meet with the Board to make sure everyone is on the same page with how to move forward with the bylaw.

Mr. Glennon said that when the Board got funding for the Comprehensive Plan from Town Meeting, it was made clear that it was the Board's intention to rewrite the Zoning Bylaw after the Comprehensive Plan. He said that the Board can use the Comprehensive Plan as a framework for the bylaw. Ms. Massard said that the Zoning Bylaw Review Committee's report was published in 2012.

Mr. Casagrande said that the Board should look for Ms. Kwesell and Ms. Massard's guidance on how to move forward with the bylaw, and the citizens that the Board was working on the use table approve of addressing all the issues with the bylaw at once. Mr. Casagrande said that the Board needs to determine how to introduce the bylaw rewrite to the Town. He said that the

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PLANNING BOARD MINUTES

Date: March 11, 2020

Page 3 of 7

Board could introduce it at this year's Town Meeting before the Zoning Bylaw articles are indefinitely postponed. Mr. Casagrande said that any rewrite should be in its nearly final form by October before it is brought to Town Meeting.

Motion: Mr. Wadsworth made a motion to close the public hearing. Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

The public hearing was closed at 7:46 PM.

Motion: Ms. Ladd Fiorini made a motion to indefinitely postpone 2020 Annual Town Meeting Article 25, entitled "Move Uses to Use Table." Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

**ZBA REFERRAL; COMPREHENSIVE PERMIT – FIELDSTONE FARM 1 & 25
LINCOLN STREET, ZBA CASE #2019-17**

Ms. Massard reminded the Board that when the ZBA referral originally came through the Planning Board, no peer review had yet been established, and the Board determined it would make recommendations after that review. Amory Engineers has since reviewed the proposed Chapter 40B development and it has been shared with the Board. She said that a traffic study was requested by the ZBA, but it is not yet available. She said that the ZBA's public hearing is on March 12th and the Planning Board's role is advisory.

Mr. Casagrande said that there appears to be steep grading. Ms. Massard said that there have been 40Bs approved where there are no retaining walls shown, but some significant cuts of 12 feet on the plans for roads – and some steeper roads approved than would be typical.

Mr. Casagrande asked if there is any issue with the fact that the new road will be running parallel to Modoc, which continuously wider. Ms. Turcotte said that she thinks this may be an issue. Ms. Massard said that the developer was asked by staff to avoid using the tail of the road on the east side for access to units at preliminary meetings, but they decided not to take that direction.

Mr. Casagrande said that it seems really congested, and the road goes right up near the property lines. Ms. Massard said that the Chapter 40B process generally allows for looser restrictions on density than local zoning, and that internal circulation and roadways can reflect this higher density with respect to access. Ms. Massard said that all the perc tests were done, and the concern is that a traffic study is performed.

Mr. Wadsworth said that the site is very close to a future municipal well site which has demonstrated through testing that it will be highly productive, and he does not know how the

applicants are going to do sewage treatment. Ms. Massard said that there is still some debate at the ZBA level, and the developer is asking for waivers.

Mr. Wadsworth said that the general guideline is that “the solution to pollution is dilution,” and the septs are scattered around with no attempt to meet those guidelines. Ms. Massard said that the developer does not need to provide nitrogen-loading figures based on local zoning, but Amory Engineers is pushing back. Ms. Turcotte said that the need to follow Title 5 guidelines, and they have to comply with nitrogen-loading requirements to comply with DEP standards for a Zone II. Mr. Wadsworth said that if they model for the Title 5, once the output starts hitting 10 parts per million at the well site, the developer will have to put in some kind of sewage package treatment system.

Mr. Glennon said that the grades are difficult to see on this segment of Lincoln Street, which is a 30 MPH right of way, so the traffic study should include sight distances. Mr. Casagrande said that there are other developments proposed on Lincoln Street, so traffic will be increasing. Ms. Ladd Fiorini said that the traffic circle will become congested.

Mr. Wadsworth said that his concern is that the future water supply is protected, and that every effort is made to reduce density, change designs, etc. Mr. Uitti said that the standard for the Chapter 40B developments is that they get excused from local zoning, but the Town has the right to articulate concerns related to safety and the applicant needs to take that into account.

Mr. Glennon asked Mr. Wadsworth if there are any other chemicals besides nitrogen that are an issue. Mr. Wadsworth said that there are no standards for phosphates (ingredient in soaps), which has a long life and can also impact drinking water.

Mr. Glennon said that he noticed the affordable units are supposed to be evenly spread throughout the development, but there seem to be small clusters of them. Ms. Turcotte asked if they are supposed to be depicted on the plan, and Ms. Massard said that they must be shown so the Town knows they are being built. Mr. Glennon said that some of the more undesirable lots are the affordable lots, which is a direct contradiction to the spirit of a Chapter 40B development.

The Board asked staff to forward these comments to the ZBA.

DINGLEY DELL SUBDIVISION

Ms. Massard said that Dingley Dell is an old subdivision, but one new lot was conveyed without the proper paperwork, and the developer has been cooperating with staff to sort out remaining work to be done. Amory Engineers did a new inspection last year with the applicant and planning staff and a new escrow account was set up. A new as-built plan was received and accepted by Amory after the identified items were inspected and addressed. She said that applicants met all requirements of the Planning Board and the Board now is asked to vote on releasing all lots from the covenant.

PLANNING BOARD MINUTES

Date: March 11, 2020

Page 5 of 7

Ms. Massard said that the roads are completed, years ago they installed some drainage that was reinspected to make sure it was adequately functioning. Ms. Ladd Fiorini asked if there was only one remaining lot. Ms. Massard said that one of the lots was conveyed without the Planning Board's approval, and the Board needs to vote on releasing all of the lots because they are complete. She said that staff prepared a lot release for the Board to sign and the Board also has to vote upon accepting the as-built plan and releasing the remaining escrow funds plus any accrued interest.

Mr. Uitti asked what a lot release is required for. Ms. Massard said that a subdivision developer has to sign a covenant that they will not sell any lots without completing the work, and that covenant is recorded at the registry of deeds. Once the Board either accepts a performance guarantee, or accepts that the work has been completed, lots can be conveyed subject to a recordable vote by the Board. Mr. Glennon said for the record, Mr. Pat Brennan, Amory Engineers, sent an email to staff that says the as-built plan is in compliance with as-built plan and profile requirements, which is included in the Planning Board packets.

Motion: Mr. Glennon made a motion to accept the as-built plan, release remaining escrow funds including any accrued interest, and release all lots from the Planning Board covenant. Mr. Uitti provided a second.

Ms. Massard asked the Board to consider amending their motion to allow staff to pay the bill after receiving any additional bills from Amory Engineers. Mr. Glennon approved the amended motion.

Vote: 6-0, unanimous.

PLANNING DIRECTOR REPORT

Ms. Massard said that the Sidewalk and Bike Path Committee has decided to speak about Complete Streets at Town Meeting. Ms. Turcotte said that she saw a GoFundMe page online for a sidewalk on Washington Street. Ms. Massard said that staff has asked for the Sidewalk and Bikepath Committee to communicate with the Town on their projects, and that there appear to be fundraising efforts going on in the community which are for sidewalks; however, details have not been shared with the Town at the present time.

Mr. Wadsworth asked what Complete Streets means. Ms. Massard said there is a program through the State MDOT that is called Complete Streets, which promotes design for all transportation (not just automobiles – sidewalks, bikes, public transportation), and that by choosing to join the program, funding presents itself to the Town as an opportunity if street designs are in keeping with the program. The Town has joined and is eligible for technical assistance funds from MDOT for transportation planning following a state-approved template, and has also been awarded a Technical Assistance Grant from Old Colony Planning Council to support this planning effort with additional studies, such as parking studies, analyzing speed limits, and walkability. She said that the Town does not have money set aside for transportation,

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PLANNING BOARD MINUTES

Date: March 11, 2020

Page 6 of 7

sidewalks, and similar activities - the only funding comes from Chapter 90, so this program presents a real opportunity to try to address these needs.

Ms. Massard said that the Complete Streets program (MassDOT) provides funding to help build the physical infrastructure improvements identified through a planning process, and the Town changed one of its two practices in the Community Compact to Complete Streets to allow the Town to be eligible for transportation funding. She said that the Town has to follow MassDOT's guidelines as it generates the plan for transportation-related tasks and has one year to adopt a Complete Streets policy at the municipal level – both need to be approved by the state. She said that the Town will make this plan by contracting with a consultant, through a process lead by the Planning Board. While the Town will be able to identify needs and rough budgets for projects, and the community will be able to prioritize the projects, there is no money in the Complete Streets program for engineering - it can be taken out of Chapter 90 funds, which are used for road maintenance, or it can be asked for from Town Meeting, for example, or other funds that could be identified. Once the engineering is done, project by project the work can be funded for up to \$450,000 annually through applications to the grant program within the Complete Streets process at MDOT.

Mr. Wadsworth asked if the contract is being processed, and Ms. Massard said yes. Ms. Massard said that the Town has not gone through what projects need to be done and in what order – this will be the task of the community through this planning process. She said that roads were laid out before cars were invented in a lot of cases, so it is anticipated that a lot of roads are not wide enough for sidewalks to be put in the roadway layout where the funds are eligible to be spent. She said that people need to open their minds to the possibility of easements, off-road walkable trails, and other options to solved the desire for more walkability in the Town.

Ms. Massard said that there will community forums, and the consultant will be starting around April or May and will get done within a year.

Mr. Glennon said that everyone can help reduce speeding in Town by driving the speed limit and letting traffic slow behind you. Ms. Ladd Fiorini said that people need to be educated on how to walk and bike on the streets, which is a huge problem in Town because of the lack of sidewalks. Mr. Wadsworth said that in England, two lanes often become one lane, which is a good form of traffic calming. Mr. Casagrande said that during the summer, the crosswalk sign in the middle of the road is effective at slowing people down. Mr. Wadsworth said in Lincoln, New Hampshire, some of the crosswalks are a different material. Mr. Casagrande said that he has seen crosswalks that are painted to look like they are raised. Ms. Massard said that the Town created a walking trail around the Senior Center to show the Town an example of a sense of community that can be experienced if the Town were to be more walkable.

Ms. Massard said that everything the Planning Department is doing will be on the Planning Department's webpage. She said that some of the state-funded grant meetings and other regular meetings she would normally attend were canceled because of Covid-19 and the recently declared Massachusetts' State of Emergency. She said that updates and reports will be posted on

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PLANNING BOARD MINUTES

Date: March 11, 2020

Page 7 of 7

the Planning Department's webpage, and the community can look to the website if things change due the coronavirus.

Ms. Massard said that there is a Planning Board report prepared for Mr. Uitti to read at Town Meeting on the zoning articles.

OTHER BUSINESS

Minutes

Motion: Mr. Glennon made a motion to approve the minutes from February 26, 2020 as written. Mr. Uitti provided a second.

Vote: 4-0, Ms. Ladd Fiorini and Ms. Turcotte abstained due to absence from the meeting on February 26th.

Ms. Ladd Fiorini said that she watched the last Planning Board meeting on live TV while she was home sick and she did not have any trouble hearing anyone.

Ms. Massard said that she was interviewed by PacTV this week for the TownTalk segment.

Mr. Wadsworth asked if the Town is looking into printing colored copies of the Comprehensive Plan. Ms. Massard said that the Town is looking into how many copies to print. She said that technology updates are also an option, such as the Board using iPads. Mr. Glennon said he appreciates the coverage from PacTV and the Clipper.

ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 8:35PM. Mr. Uitti provided a second.

Vote: 6-0, unanimous.

The next Planning Board meeting will take place on March 25, 2020 at 7:15 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

