

Town Meeting Articles 2020

Planning Department/Planning Board

Presented by Valerie Massard, AICP, CFM

Planning Director

Planning Board Articles

Zoning Bylaw

- Article 23 New Zoning Maps for Inland Flooding from FEMA
- Article 24 Housekeeping Medical Marijuana Overlay to list of Districts
- Article 25 Format from text uses to use table
- Article 26 Zoning housekeeping/streamlining

Article 23 Flood Hazard Overlay District

Sponsored by the Planning Board

FEMA - INLAND MAP CHANGES

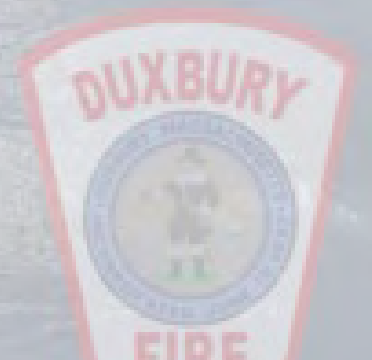
Who? Federal Emergency Management Agency (FEMA)

What? Maps flooding risk for insurance nationwide

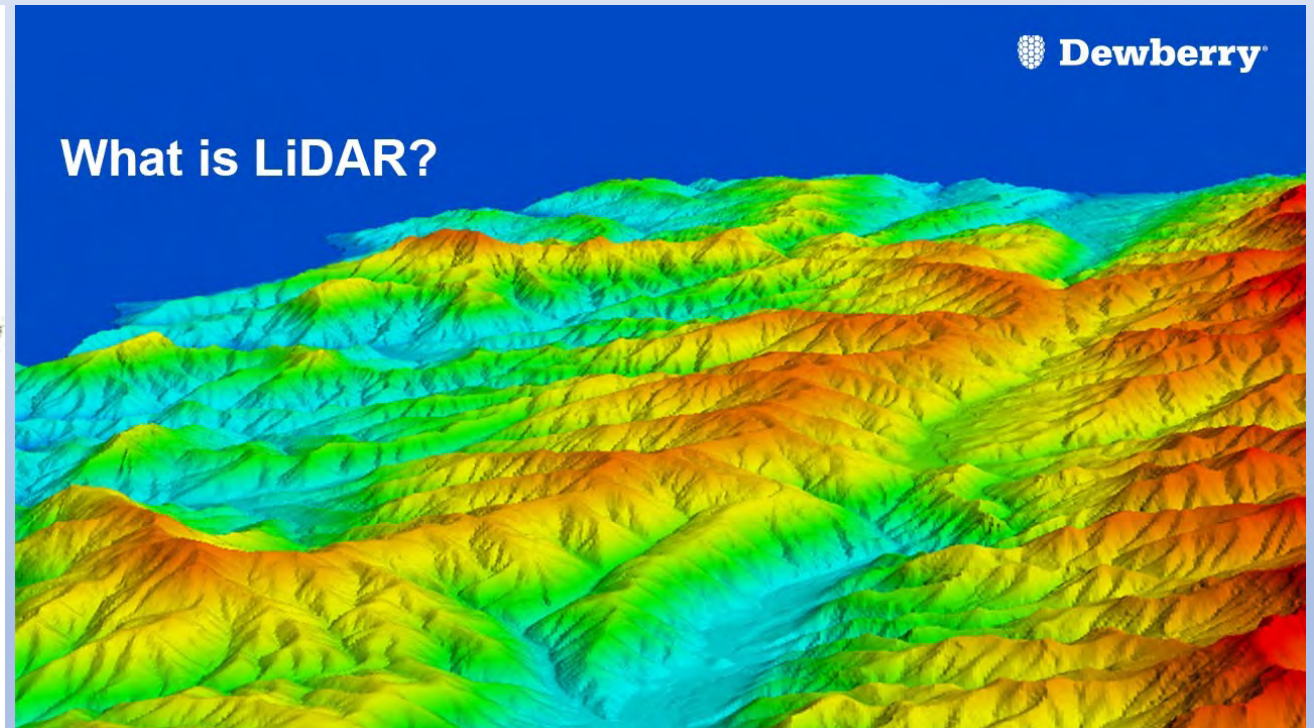
Why? FEMA \$, flood insurance - mandates using FEMA maps

When/How? Periodically, as needed – last done in 2012

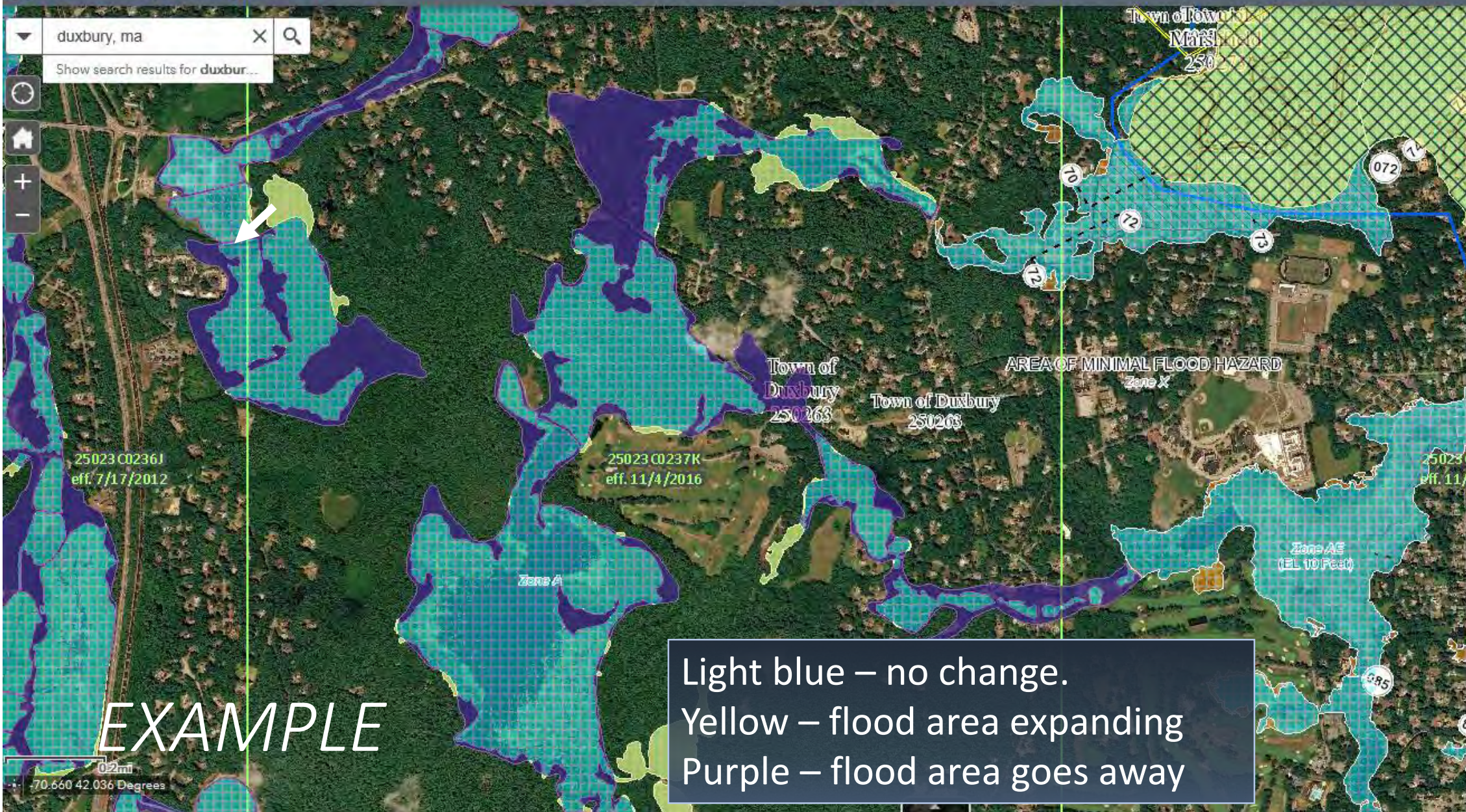
- Approximately 60 houses come out of flood hazard areas
- Small number structures become mapped flood areas (we advised owners via certified mail in 2019)



LiDAR – new technology/mapping tool



<https://archaeologicalphotorelief.wordpress.com/2014/07/04/optech-airborne-survey-the-advantages-of-airborne-surveying/>



More info Planning Department

- Paper maps at the Town Hall Planning Office during normal business hours - there are color coded maps showing changes

Links on web page:

- Try also Flood Map Change FEMA shows changes by address
Frequently Asked Questions | FEMA's Flood Map Service Center.
- PDF | zipfiles of maps and the Flood Insurance Studies can be downloaded here.
- FEMA Notice

<https://www.town.duxbury.ma.us/planning-department/pages/proposed-fema-inland-risk-map-revisions>

What about coastal maps?

- Appealed 2012 coastal maps, years of negotiations
- Adopted coastal maps in 2016 – and filed request to change with FEMA, provided different model working with Woods Hole Group
- New model accepted by FEMA and new coastal maps into effect northern coastal Duxbury January 10, 2020 through Letter of Map Revision – now on line; Marshfield's process has been sped up

More information on Planning website

Article 24 Housekeeping Add Medical Marijuana Overlay District to list of Districts in 201

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While the MOD was approved and is in place,
through a Scrivener's error it was not added to the list of districts.

Articles 25 & 26

25 ZONING RECODIFICATION: Move Uses to Use Table

26 ZONING RECODIFICATION: Housekeeping/Streamlining

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Context - RECODIFICATION

- SELECTMEN-APPOINTED COMMITTEE STUDIED BYLAW
2011-2012
- REPORT RECOMMENDED MANY CHANGES AFTER DETAILED REVIEW, INTERVIEWS & DISCUSSION
DECEMBER 2012
- APPOINTED COMMITTEE TASKED WITH IMPLEMENTING RECOMMENDED CHANGES
2013



In June, 2011, the Town of Duxbury Board of Selectmen established the Zoning Bylaw Review Committee (referred to as the "ZBRC" and the "Committee") to review the Duxbury Protective Bylaw ("Bylaw") and make recommendations to improve, if necessary, the following elements of the Bylaw: clarity, internal consistency, organization (e.g., structure and format), permitting requirements and procedures, administration and enforcement procedures, consistency with statutory changes and case law since the Bylaw was adopted in 2003, and other matters the ZBRC deems relevant and appropriate to review in order to carry out its charge.

Context - RECODIFICATION

Unintended Effects of Serial Amendments to Bylaw. The Bylaw has been amended, in part, 23 times since 2003. These discrete changes have had unintended ripple effects that have created ambiguity, duplication, and inconsistency. Complications arising from the numerous Bylaw amendments make the Bylaw hard to navigate. Definitions are scattered throughout the bylaw, some terms are defined more than once and permitting procedures have become disaggregated. The Town should consider recodifying the Bylaw to give it a unified, coherent structure.



PARTIAL EXCERPT FROM 2013 REPORT

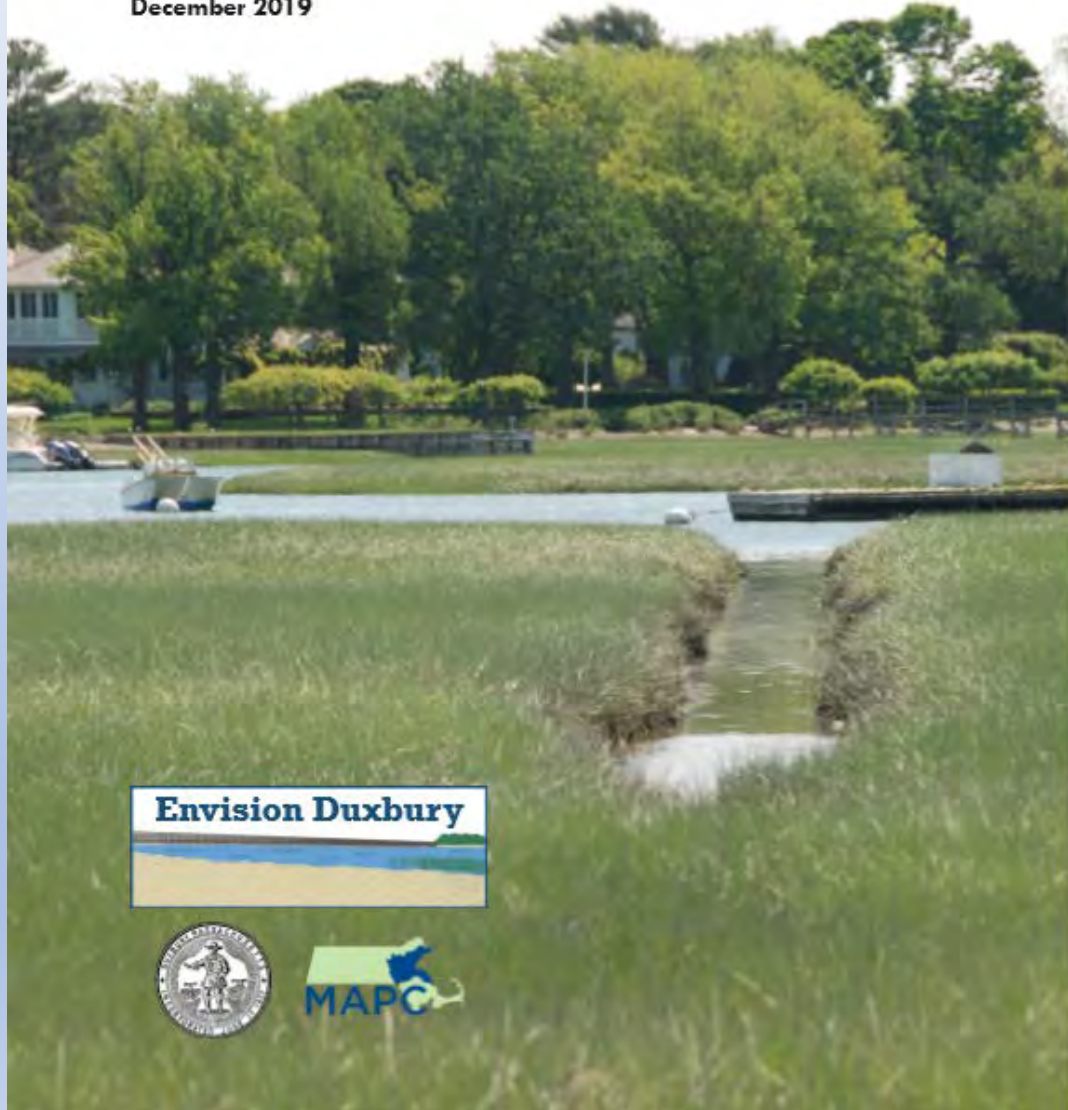
Context - RECODIFICATION

- **FUNDED BY TOWN MEETING**
- ENGAGED LEGAL COUNSEL...
- COMMITTEE DISBANDED 2017
- ...
- CHARGE DELEGATED TO PLANNING BOARD; PLANNING BOARD OPTED TO TAKE THIS UP AFTER UPDATING COMPREHENSIVE PLAN



Town of Duxbury Master Plan

December 2019



Approved January 2020

Guides land-use decision-making policy, ten year horizon

GOAL 3 STRATEGY 1

Continue the work and recommendations of the Zoning Bylaw Review Committee to improve the Zoning Bylaw including recodifying the Bylaw to give it a unified, coherent structure, clarifying special permit criteria, and standardizing and consolidating definitions.

2013 REPORT CONTAINS COMPLEX RECOMMENDATIONS...



ITEMIZED LIST OVER 100 ITEMS -
SOME COMPLEX POLICY
QUESTIONS, SOME
HOUSEKEEPING – ALL RELATE TO
POLICY MATTERS

HOUSEKEEPING & ORGANIZATION



The Planning Board, in consultation with counsel, chose this first bite at the apple.

Article 400.⁷

401.1 Prohibited Uses: Update language, especially as it relates to farming. Do we need to have tables once again provided as a reference item in the Bylaw?

Article 25

Proposes going back from the Text to the Table format

Duxbury's Zoning format
intensity of use increases by
district from least intensive to
most intensive uses

- NB-2 Neighborhood Business District 2**
- NB-1 Neighborhood Business District 1**
- NB-L Neighborhood Business Light District**
- PD-3 Planned Development District 3**
- PD-2 Planned Development District 2**
- PD-1 Planned Development District 1**
- RC Residential Compatibility District**

*Layer cake – less flavors (uses) from base to top;
Never lose the base layers as you make a higher layer cake...*



Zoning uses in a district can be described in different ways...

Text format – by use under each zone
current Duxbury bylaw

402.7 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are allowed, provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. horticulture. Agricultural uses such as farming, grazing, truck farming, and
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, and play areas.
4. Conservation of water, plants, and wildlife.
5. Wildlife management areas, and foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Man-made alteration of sand dunes for dune restoration and beach enhancement projects for the purposes of flood and erosion control to adapt to the long-term effects of sea level rise.

Table format – uses/districts
older Duxbury bylaw

Donkey Zoning Bylaws - March 12, 1997
6-033322/0001/0001 - 11/00/0001

402 SCHEDULE OF USE REGULATIONS

ZONING DISTRICTS	WP	DP	OS	RC	PD 1	PD 2	PD 3	NB 1	NB 2	NB 3	NB 4	NB 5	AP
402.3.15. Boat sales, service and outdoor business and storage provided that major repair of engines is performed inside of enclosed building and that all dispersing of fuels, lubricants and fluids is done entirely on the property of the business.	N	N	N	N	N	SP	SP	N	SP	N	N	N	
402.3.16. Sale of building materials.	N	N	N	N	N	SP	SP	N	SP	N	N	SP	
402.3.17. Hotel, motel and similar facility for guest accommodations.	N	N	N	N	N	SP	SP	N	N	SP	N	N	
402.3.18. Signs (See Section 601)	SP	Y	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
402.3.1. Except on a farm, the keeping of any commercial motor vehicle, whether registered or unregistered. (See also section 402.3.20) (1995)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	
402.3.20. The keeping of one service type vehicle not to exceed ten thousand (10,000) pounds gross vehicle weight by a resident who carries on a trade or profession away from his premises.	N	N	N	Y	N	N	N	Y	Y	Y	Y	Y	
402.3.21. Manufacturing and materials processing contained entirely within a building or buildings and/or the sale of products manufactured on the premises only.	N	N	N	N	N	N	N	N	N	N	SP	N	
402.3.22. Research and development operations.	N	N	N	N	N	N	N	N	N	N	SP	N	
402.3.23. Warehousing and distribution operations contained entirely within a building of not more than 24,000 s.f., and having not more than a combined total of 4 vehicle docks or doors.	N	N	N	N	N	N	N	N	N	N	SP	N	
402.3.24. Accessory services, such as food services and recreational facilities for only occupants and employees.	N	N	N	N	N	N	N	N	N	N	SP	N	
402.3.25. Accessory services, such as fueling and other operations.	N	N	N	N	N	N	N	N	N	N	SP	N	
402.3.26. The storage of home heating fuel oils, not to exceed 120,000 gallons, and accessory uses.	N	N	N	N	N	N	N	N	N	N	N	SP	
402.3.27. Mortuary and funeral parlor	N	N	N	N	N	SP	SP	SP	SP	N	SP	N	N
402.4. DUNES PROTECTION													
402.4.1. Conservation and restoration of dunes and beach vegetation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
402.4.2. Wildlife management shelters	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	
402.4.3. Outdoor recreation, nature study, boating, fishing including shell fishing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
402.4.4. Fences and appropriate non-commercial signs not exceeding (32) thirty two s.f., notwithstanding the provisions of Section 601, to prevent the erosion of beaches and dunes and to delineate rights-of-way acceptable for pedestrian and vehicular travel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
402.4.5. Parking areas and enlargement of existing parking areas	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y	Y	
402.4.6. Harvesting kelp and seaweed	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
402.4.7. Footpaths	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

15

Clarify four uses as applied in practice and to current terminology

- Laundry agency – updated description as in practice 421.4 – Line 35
- Sanitorium, institution not current legal terms– updated description 410.3 – Line 15
- Garage to store more than 3 vehicles is applied to all primarily residential uses in practice (not just RC) 410.2 - Line 7
- No service truck storage >10K lbs. is applied to all primarily residential uses in practice (not just RC) 410.2 – Line 6

and

- Nuisance uses (delete repetition); already prohibited for all districts 401.1
- Move site criteria for automotive sales & services from uses in 422.3 to criteria 424

Article 26

HOUSEKEEPING/STREAMLINING – likely IP this year



- Updating map and plan references p. 12, 13
- Consolidate references to special permit procedures pp. 5, 15
- Minimize duplicate & redundant filing requirements pp. 7, 16, 25
- Eliminate redundant definitions p.14
- Clarify Article 800 - several comments
- Clarify Planning Board as SPGA in Article 900 p.24
- Move administrative matters to Rules and Regulations of the SPGAs – recommendation of town counsel (Article 800, detailed descriptions of submittals & site plans) – make reference to these in zoning so they are binding
- Discussion of Publicly Owned Lands District - Municipal uses are subject to 2/3 vote of town meeting per 401.3, which is more restrictive than the zoning and state, federal and county uses are exempt from local zoning. Publicly Owned Lands District is only used to locate community scale turbines which are subject to a special permit and excludes Dune and WPOD - but Publicly Owned Lands District is not current as described in the zoning definition which would require the lands to be voted into the district - clarify by deletion - or to properly describe and vote the District if it is intended to regulate location of community scale turbines as an overlay.

2013 REPORT CONTAINS COMPLEX
RECOMMENDATIONS...work will continue



Planning Department-related Articles

General Bylaws

- Article 27 Stormwater & Illicit Discharge
- Article 28 Housekeeping – Local Historic Districts

Capital

- Article 17 Seawall Matching Grant Funds

Article 27

Stormwater and Illicit Discharge

**SPONSORED BY PLANNING, HEALTH, MUNICIPAL SERVICES,
CONSERVATION AND DPW DEPARTMENT HEADS**

Supported by

Conservation Commission

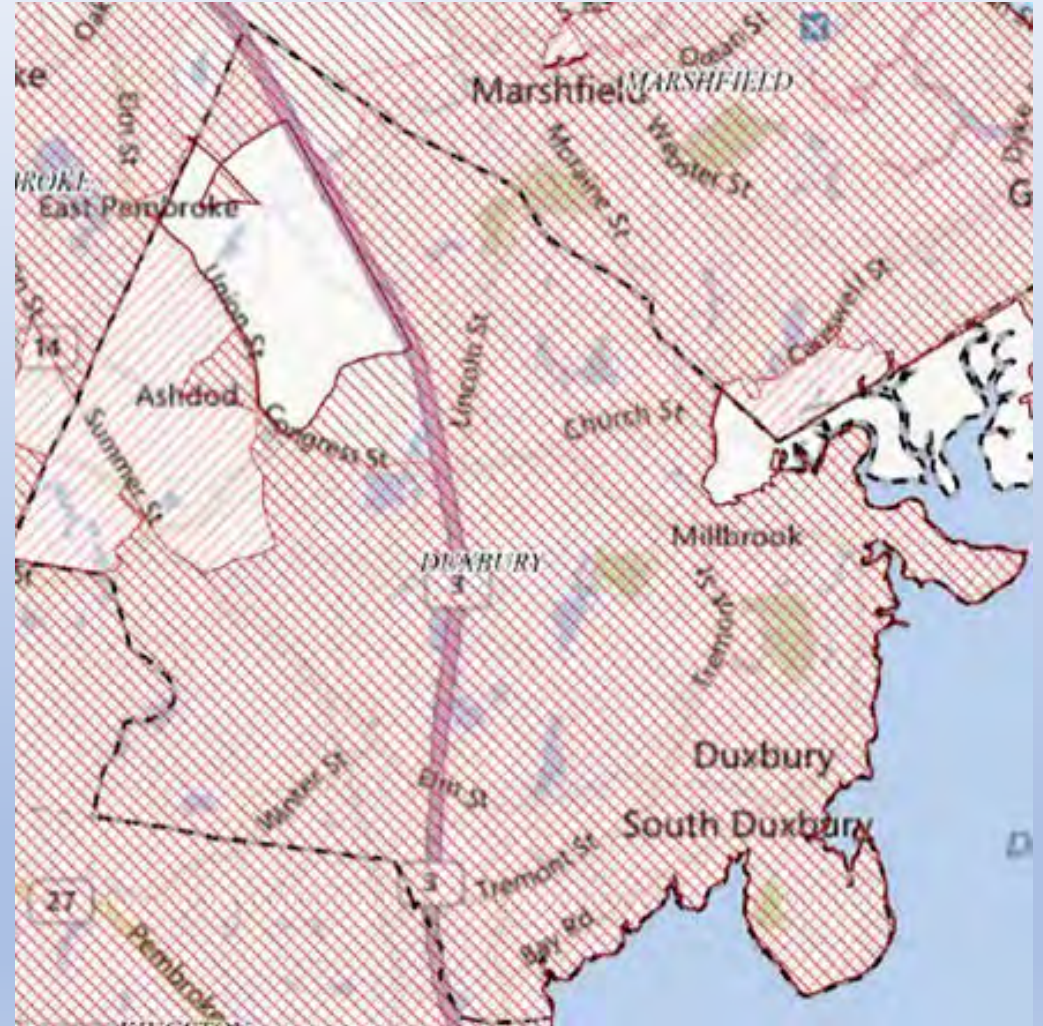
Planning Board

Article 27 – Stormwater

EPA mandates MS4 permit – covers most of the Town.

We have to adopt these bylaws to comply with our permit.

Details on Planning Department web page.



Article 27 – Stormwater

Modeled after Sudbury – no new permit – some new conditions and review – similar to most towns subject to this permit.

Cohasset, Hingham, Scituate and others are regulating some smaller impacts where stormwater conflicts have happened, and happen here in Duxbury.

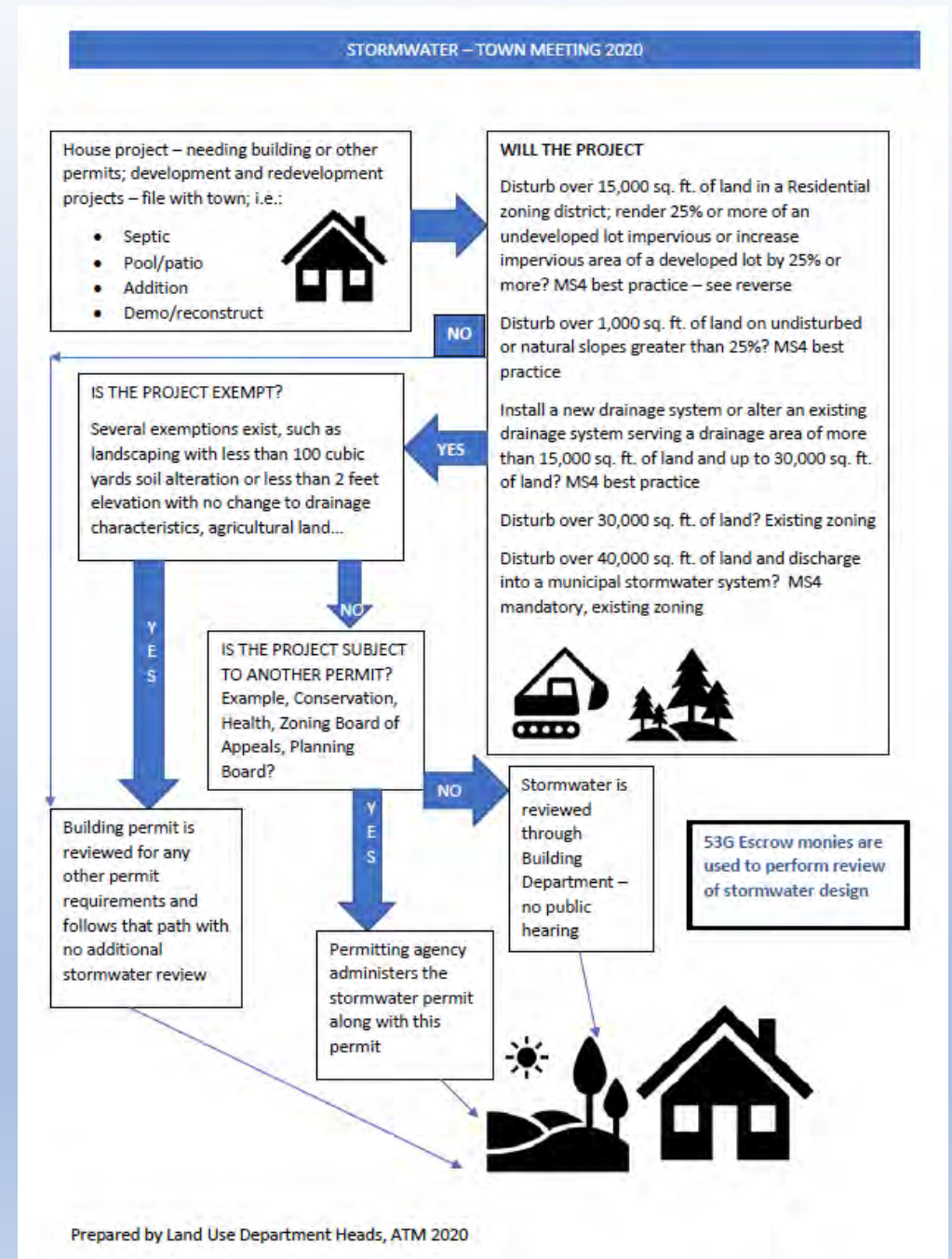
Land Use Department Heads are recommending similar approach to smaller-scale projects which could significantly impact stormwater flow:

- Disturb over 15,000 sq. ft. of land in a Residential zoning district; render 25% or more of an undeveloped lot impervious or increase impervious area of a developed lot by 25% or more? Disturb over 1,000 sq. ft. of land on undisturbed or natural slopes greater than 25%? **MS4 best practice**
- Install a new drainage system or alter an existing drainage system serving a drainage area of more than 15,000 sq. ft. of land and up to 30,000 sq. ft. of land? **MS4 best practice**

Disturb over 30,000 sq. ft. of land? **Existing zoning**

Disturb over 40,000 sq. ft. of land and discharge into a municipal stormwater system? **MS4 mandatory**, existing zoning

Details on Planning Department web page.



Article 27 – Stormwater - exemptions

Construction on an individual lot within a subdivision that has previously been issued a stormwater permit, or was approved under Subdivision Rules and Regulations; and Construction on a lot shown on an approved Site Plan where the proposed stormwater management system and Operation & Maintenance Plan were reviewed by the Town's consulting engineer and approved by the Building Department, or Permitting Authority.

...And so long as not significant alterations to existing drainage...

- Construction on any lot that has previously been issued a stormwater permit
- Landscaping SFH addition/removal <100 YD³ material or alteration <2FT elevation
- Repair and replacement of existing roofs.
- Construction of walls and fencing.
- Use, maintenance, and improvement of agricultural land.
- Construction of utilities, other than drainage, including repairs to existing septic systems when required by the Board of Health.
- Emergency repairs to any existing stormwater management facility.
- Routine maintenance and improvement of town-owned public ways not resulting in an increase in impervious area.

Details on Planning Department web page.

Article 27 – Illicit Discharge

EPA mandates MS4 permit – covers most of the Town.

We have to adopt these bylaws to comply with our permit.

Board of Health regulates illicit discharges into municipal stormwater system, similar to other communities subject to MS4.

Details on Planning Department web page.



Article 28

Housekeeping – Local Historic District Bylaw (Chapter 12)

Sponsored by Planning Department

Revert to individual recorded maps

Duxbury Local Historic District Appendix 2 & Appendix 3 (Church)

Local Historic District Map of the Town of Duxbury Sheet 2 - 2010

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

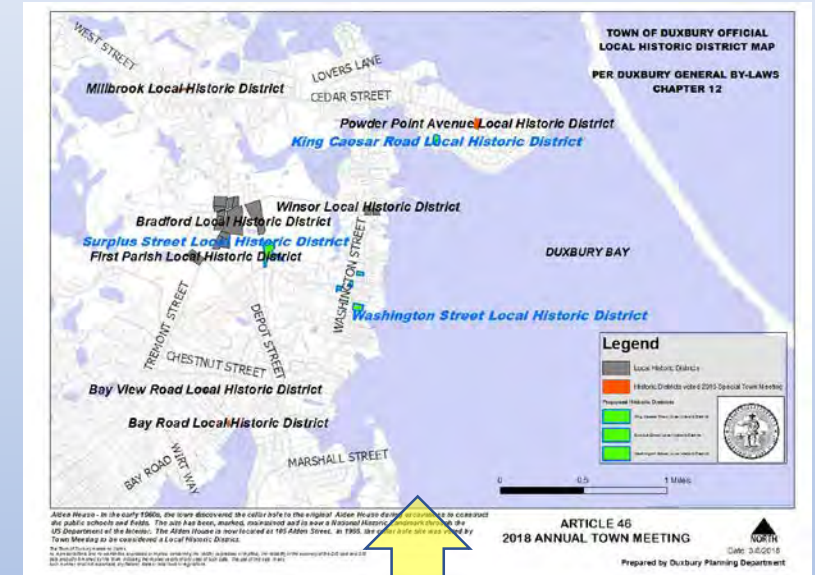
Property Information:
1. Capt. Gershom Bradford House
2. Cudbury Rural and Historical Society
3. Robert Schnibbe
4. Roger Ritch
5. Town of Duxbury
6. Gerald Kitegal
7. Frankland Mill
8. First Parish Church
9. Howard Levine
10. Charles Kane
11. Charles Kane

A TRUE COPY ATTEST
[Signature]
ASST TOWN CLERK

2011 ANNUAL TOWN MEETING

DISTRICT	Address	Condo minium Unit	Map	Block	Lot	Town Meeting	Article	Current Owner	Land Court or Deed Reference
First Parish	842 Tremont St	n/a	92	453	18	ATM 2011	31	First Parish Church	2614/491
Bradford	931 Tremont Street	n/a	107	404	0	ATM 2011	31	Duxbury Rural and Historic Society, Inc.	3461/258
Bradford	987 Tremont Street	n/a	107	3	1	ATM 2011	31	Robert Jr. and Margaret E Schnibbe	12080/93
Bradford	992 Tremont Street	n/a	107	812	0	ATM 2011	31	Roger W and Janet B Ritch	42155/134
Bradford	942 Tremont Street	n/a	107	14	3	ATM 2011	31	Christine and Erin Sherman	46950/167
Bradford	4 Littletown Way	n/a	108	804	3	ATM 2011	31	Denis Dolabany and Renee LaPorte	46678/155
Bradford	1 Littletown Way	n/a	108	804	2	ATM 2011	31	Earle Pitt Jr	47275/17

A yellow arrow points to the bottom right corner of the table.



Eliminate the town-wide map as the "official" map

All the LHDs have been recorded or re-recorded this year with additional information to meet Finance Committee requirements to add to chain-of-title.

Thank you.