



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2018 JAN 22 PM 12:36
DUXBURY, MASS.

Minutes 10/25/2017

The Planning Board met on Wednesday, October 25, 2017 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room.

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

Absent: John Bear.

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

Mr. Casagrande called the meeting to order at 7:01 PM.

OPEN FORUM

Community Preservation Committee: Ms. Ladd Fiorini, who serves as a Planning Board representative to the Community Preservation Committee (CPC) reported that a number of applications have been submitted for projects requesting Community Preservation Act funds.

Green Communities Application: Ms. Massard reported that the Town of Duxbury has submitted its Green Communities application, one of the first applications to be submitted this year, and should hear back within the next month whether it has been accepted as a Green Community.

ZBA REFERRAL, VARIANCE: 668 TREMONT STREET / DUXBURY FIRE DEPARTMENT

Present to represent this special permit application on behalf of the Duxbury Fire Department were Chief Kevin Nord and Captain Rob Reardon, the Dispatch Manager. Planning Board members reviewed the Zoning Board of Appeals (ZBA) referral materials for this variance request to add 28.5 feet to an existing 108 foot microwave radio tower, resulting in a 136.5 foot tower. Ms. Massard noted that the ZBA had granted a variance in 2011 to allow the existing tower which exceeds the 65-foot maximum height allowed, in conjunction with an Administrative Site Plan Review with the Planning Board for extensive renovations to the Fire Department building.

Chief Nord explained that the Fire Department needs a taller tower in order to improve its microwave radio reception above the tree line as a public safety issue. He stated that that Town of Duxbury received a grant that provided an improved radio system and the tower height needs to be increased in order to improve communications between public safety departments, such as Police, Fire and Harbormaster. Captain Reardon noted that there will be no cost to the Town of Duxbury, and currently the Harbormaster's Office is having trouble with reception.

Mr. Glennon asked if there are other structures besides the Fire Department headquarters within the fall zone, and Chief Nord said that no structures, including abutting properties, would be affected. Captain Reardon noted that the tower is rated to withstand winds up to 100 miles per hour and an inch of ice.

Mr. Glennon asked if lights would be required for the new height, and Chief Nord responded that they would not.

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Mr. Casagrande asked if there would be satellite dishes on the tower, and Captain Reardon replied that the tower would look similar to how it looks now.

Mr. Wadsworth asked how this application would fit the criteria for the ZBA to grant a variance, and Chief Nord replied that he believes a variance is warranted because the tower will improve public safety. Ms. Ladd Fiorini noted that the Fire Department had been granted a variance with its previous application.

Mr. Uitti referenced a structural engineer's assumptions in the structural analysis provided in the ZBA application packet, and stated that the assumptions about the condition of the existing tower appear to be critical. He asked if those assumptions would be verified at some point. Chief Nord responded that the language was provided to protect the structural engineer against a lawsuit because he has not seen the tower since it was installed in 2011, and he will look into the cost to hire an engineer to re-certify the tower to verify those assumptions. Mr. Wadsworth expressed concern with adding height to the existing tower, advising Chief Nord that it is in the Fire Department's best interest to double check the structural integrity. Mr. Casagrande noted that the installation contractors will most likely ensure that the tower can handle the additional weight. Chief Nord stated that engineering re-certification could be included in the installation contract.

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to recommend approval of ZBA Case #2017-09 / 668 Tremont Street (Town of Duxbury Fire Department), a variance to add 28 feet to an existing 108 foot microwave tower, resulting in a 136.5 foot tower. The Planning Board also recommends that the applicant obtain an engineering report verifying assumptions regarding the structural sufficiency of the new tower.

AMENDMENT: Mr. Uitti suggested that the Planning Board recommend that the ZBA obtain a structural analysis verifying assumptions made in an undated report from Oana Gerogiana Ghizila of Trylon to CFM Communications. Ms. Ladd Fiorini and Ms. Turcotte agreed to Mr. Uitti's amendment.

DISCUSSION: Ms. Massard noted that the variance would very likely be granted for the public benefit since it will improve critical communications for the Police, Fire, and Harbormaster Departments, the same reason the previous variance was granted.

VOTE: The motion carried unanimously, 6-0.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDISIVISON (RE-ADVERTISEMENT): 0 & 232 SURPLUS STREET / JRM INVESTMENT REALTY LLC

Mr. Casagrande opened the continued public hearing at 7:21 PM. No one was present to represent the application.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to waive the reading of the correspondence list which is on file at the Planning Office.

VOTE: The motion carried unanimously, 6-0.

The correspondence list for the record:

- Letter from R. Grady of Grady Consulting LLC dated 10/19/17 re: Request to withdraw application without prejudice.

Planning Board members reviewed a copy of the letter listed above that was distributed at the meeting. Ms. Massard explained that an adjacent property became available and was acquired by the applicants, so they would like to withdraw the current application without prejudice so they can re-file a new plan which includes the new property.

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to grant the applicant's request to withdraw the Definitive Subdivision application for 0 & 232 Surplus Street / JRM Investment Realty LLC without prejudice.

VOTE: The motion carried unanimously, 6-0.

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ZBA REFERRAL, SPECIAL PERMIT: 0 NORTH STREET / BALDWIN (NORTHWEST CORNER OF INTERSECTION WITH KEENE STREET)

Present for the discussion was the applicant, Mr. John Baldwin. Planning Board members reviewed ZBA materials for this application for a special permit to use approximately 3,000 square feet in the Wetlands Protection Overlay District to be counted toward buildable upland on the lot in order to build a single-family dwelling. Ms. Turcotte pointed out an error in the Planning Board's agenda listing of the location of this special permit application, which has been corrected as listed above.

Ms. Massard provided background on this Zoning Board of Appeals (ZBA) special permit application. She stated that the Town of Duxbury adopted the Wetlands Protection Overlay District (WPOD) in 1971, and after that corrections were made through Town Meeting in ten of eleven instances after Zoning Board of Appeals findings that the maps were in error in cases which required actions by the ZBA involving the location of the WPOD line. She noted that this is the way the Town of Duxbury has apparently handled corrections to the WPOD maps, which must be amended because the line is a zoning district.

Ms. Massard stated that the Zoning Bylaws have a confusing reference to a number of uses allowed in the WPOD, and in another section it states that single-family dwellings can be constructed through a special permit with the ZBA. She stated that this application is unusual because the proposed structure is not within the WPOD.

Ms. Turcotte asked if a special permit is required if the structure is not in the WPOD.

Ms. Massard stated that today she spoke with Mr. Scott Lambiase, Director of Municipal Services, and although the use appears to be related to the buildable land, she has confirmed that no structures are requested in the WPOD. The application appears to be to use the land toward buildable area under the Residential Compatibility zoning only. The actual use in the application – a lawn – is otherwise allowed by right and would not require a special permit. The WPOD line is on the lot because there is a perennial stream on the lot with a wetlands buffer and riparian buffer. The applicant has received an Order of Conditions from the Conservation Commission and a recent Federal Emergency Management Agency (FEMA) notification states that the property is not in a floodplain. She noted that a lot of land that is high and dry is included in the WPOD.

Ms. Massard noted that the WPOD was adopted prior to the state Wetlands Protection Act. Of the eleven Town Meeting proposals to change the WPOD line, the only one rejected was for this property. Now there is new information from FEMA and the Conservation Commission's Order of Conditions.

Mr. Uitti noted that the square footage of the lot outside the WPOD is approximately 37,000 square feet and asked if correcting the WPOD line provide the extra 3,000 feet is needed in order to meet the 40,000 square foot requirement for lot area. The applicant confirmed that this is the purpose of the application.

Mr. Glennon noted that if the zoning line is changed through Town Meeting, there would be no issue here.

Mr. Casagrande noted that the Zoning Bylaws have an option for a special permit because the WPOD line is not always accurate. Ms. Massard noted that the ZBA gathers input from the Board of Health, Conservation Commission, Planning Board, and in this case FEMA, as part of the WPOD special permit criteria requirements. She stated that the land appears to be dry and not subject to flooding. Mr. Casagrande added that engineering on site proves this.

Mr. Uitti read from Zoning Bylaws Section 404.9 (WPOD, Special Permit for Use and Construction), noting that the four requirements for the ZBA to grant a special permit include:

- Allowed use in the Residential Compatibility District
- All other requirements of the Bylaw are met
- The ZBA makes a determination based on input from the Conservation Commission, Board of Health and Planning Board
- The Conservation Commission has approved such use.

Mr. Casagrande noted that there appears to be a lot of upland on the property. Ms. Massard noted that the amount of upland is 37,000 square feet outside the WPOD.

Mr. Baldwin presented his application. He noted that the Conservation Commission hired a consultant, Nover-Armstrong, and issued Orders of Conditions. He also noted that he has received a letter from the Natural Heritage and Endangered Species Program that there are no protected species on the property. He stated that of the total 2.27 acres, 1.7 acres are upland and .04 acres are wetland. He stated that the proposed dwelling is at least fifty feet outside the wetlands buffer. He stated that the Riverfront Area regulated by the Wetlands Protection Act is relative to a small ditch that is not near the site of the proposed dwelling.

Mr. Baldwin stated that although it is difficult to find records, he has found that for at least 25 years after the WPOD was adopted in 1971 the 40,000 square foot requirement did not include only land outside the WPOD. He stated that this changed through Town Meeting actions in 1998 and 2002. He read the definition of "Lot Area" from Zoning Bylaws Section 410.4 (Residential Compatibility District Intensity, Dimensional and Coverage Regulations) which reads that land area excludes land within the WPOD. He noted that such language was not there until 1998. He stated that it was never the intent of the Zoning Bylaws to require the entire 40,000 square feet to be outside the WPOD. He noted that the plan submitted with the ZBA application shows that there is 37,040 square feet to be used for the lot area, which is 2,960 square feet short of the required 40,000 square feet.

Mr. Casagrande confirmed with Mr. Baldwin that the upland area was located by the surveyor who stamped the plan. Mr. Casagrande noted that the WPOD line on the plan appears to zigzag through the wetlands setback line. Ms. Turcotte agreed that it does not appear to make sense. Mr. Casagrande also noted that the WPOD line is inside the 50-foot wetlands buffer. Ms. Massard stated that it has been many years since the WPOD study was done and it was done by hand before today's technological advances and before the Wetlands Protection Act and supporting documentation.

Mr. Casagrande stated that the Zoning Bylaw is fairly specific about the eligibility for a special permit within the WPOD. He stated that property owners started going through Town Meeting at some point because that is the only way to officially change the WPOD line. He noted that other recent proposals to change the WPOD line were for the purpose of subdividing land, not building on an existing parcel.

Mr. Baldwin stated that the WPOD line is not in the same place as shown on the zoning map. He read from Zoning Bylaw Section 404.2 (WPOD – Location of District) that the basic source for determining the WPOD line is the United States Geological Survey as interpreted by the Zoning Enforcement Officer or subsequent field surveys and Section 404.3 (WPOD – Boundary Line Plot Plan) referencing ... "a building or use" in the WPOD boundary. Mr. Casagrande stated that when the town map is inaccurate the Planning Board depends on a surveyed plan.

Mr. Uitti referenced Zoning Bylaw Section 404.5 (WPOD – Special Permit for Use and Construction) noting that it allows building in the WPOD as long as, among other conditions, all other requirements of the Bylaw are met, including the required minimum lot size of 40,000 square feet, according to Zoning Bylaw Section 401.4. He noted that the Conservation Commission does not address zoning requirements in its review. Ms. Massard stated that a soils scientist flagged the area and it was walked by the Conservation Administrator, Mr. Joseph Grady. Mr. Baldwin stated that the proposed use of a single family dwelling is allowed.

Ms. Massard stated that the Building Inspector, Mr. Scott Lambiase, felt that the application was adequate to submit to the ZBA to determine if the land is adequate to be built upon. She noted that all the soils science has been done.

Mr. Uitti stated that the Zoning Bylaws clearly state that an applicant can build in the WPOD if all the requirements in Section 404.9 are met. He noted that the WPOD line can change only through Town Meeting and it appears to be an irrelevant issue here. Ms. Massard noted that the applicant would not need to take the issue to Town Meeting unless he wanted to change the WPOD line. Mr. Casagrande noted that other recent Town Meeting proposals to change the WPOD line were proposed in order to subdivide land, which is not the case here.

Ms. Deborah Frangesh of 399 North Street stated that this property was the subject of a Town Meeting proposal in 2015 with a different proponent, and Town Meeting voted against changing the WPOD line. She noted that according to Zoning Bylaws Section 404.9 all other requirements of the Bylaw must be met, so they would need 40,000 square feet outside of the WPOD. She stated that it appears that the applicant is attempting to make a nonconforming lot conform. She stated that it appears that the applicant needs 3,000 square feet from elsewhere in order to meet the minimum lot requirement. She urged the Planning Board to look at this matter in light of the Town Meeting rejection of moving the WPOD line. Mr. Casagrande questioned whether the article was indefinitely postponed, and Ms. Frangesh confirmed that this particular article failed to garner the two-thirds vote required. Mr. Casagrande stated that the Town Meeting change in WPOD line is not relevant to this specific special permit application. Ms. Turcotte agreed that it would appear that Town Meeting action would not need to be pursued if the applicant is granted a special permit.

Ms. Ladd Fiorini noted that the issue appears to be centered around the 3,000 square feet, and she agrees that the lot size definition does need to be met. Mr. Casagrande stated that the reason that a special permit is included in the Zoning Bylaws is because it is understood that the WPOD line is inaccurate. Ms. Ladd Fiorini stated that the pertinent issue here is whether the applicant needs 40,000 square feet or if 37,000 square feet of area is adequate.

Mr. Glennon suggested that rather than debating the point, perhaps Town Counsel's opinion may be useful because this is a unique circumstance. Mr. Wadsworth agreed that it should be included in the Planning Board's motion. Ms. Massard stated that she is already in communication with Town Counsel regarding this special permit for comments, and it is the ZBA's role to interpret the bylaw and they can be advised to seek input from Town Counsel. Mr. Glennon clarified that he is not asking for Town Counsel's opinion but the Zoning Board of Appeals may want to do so.

Mr. Baldwin commented that Ms. Frangesh has no standing with this application because she is not a direct abutter. Ms. Massard noted that the Planning Board is not making a decision; it is simply providing a recommendation to the ZBA.

Mr. Uitti noted that Ms. Frangesh has raised some interesting points. He noted that when a special permit is being considered, does an applicant need to meet lot area requirements of 40,000 square feet in order to apply for the special permit? He stated that the answer is not entirely clear. Mr. Baldwin asked if the WPOD is a zoning district or an overlay district, and Ms. Massard responded that it used to be a zoning district but now it has been changed to an overlay district. Mr. Uitti suggested that perhaps it should be left to Town Counsel to interpret the Zoning Bylaw, and Ms. Massard noted that it is the Zoning Board of Appeals' role to do so, with input from Town Counsel as it deems necessary.

MOTION: Mr. Uitti made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals (ZBA) regarding Case #2017-10, 0 North Street / Baldwin (Assessor's ID 009-010-001), a special permit application to construct a new single-family dwelling in the Wetlands Protection Overlay District (WPOD), with the Planning Board respectfully requesting that the ZBA focus on the question of whether a provision in Zoning Bylaws (ZBL) Section 404.9 (WPOD – Special Permit for Use and Construction) that “all other requirements of the Bylaw are met” means that before an application for a special permit can be submitted in the WPOD that the land subject to the application must meet the requirements of ZBL Section 410.4 (Residential Compatibility District Intensity, Dimensional and Coverage Regulations).

VOTE: The motion carried unanimously, 6-0.

ZBA REFERRAL, SPECIAL PERMIT: 28 MAYFLOWER AVENUE / QUINZANI

Planning Board members reviewed this special permit application to operate a home office with one part-time employee in the Residential Compatibility District. Ms. Massard stated that the applicant would like to run his architecture office in his home, and no changes are proposed to the structure. Mr. Casagrande asked if it is an allowable use, and Ms. Massard replied that all other uses than residential require a special permit.

Mr. Glennon asked if the applicant proposes to install a sign, and Ms. Massard stated there will be no sign.

Ms. Ladd Fiorini asked if a space labelled "study" on the first floor of floor plans provided would also be considered office space, and Ms. Massard replied that the specific use of the various rooms does not matter for this application. Ms. Ladd Fiorini asked if the basement is included in the square footage of the house, and Ms. Massard replied that it is not pertinent to this application.

Mr. Glennon noted that Ms. Ladd Fiorini makes a fair point because although it is not a criterion here, it is fair to consider how much of the existing single family dwelling will be used as an office. Ms. Massard stated that the area to be used as an office is highlighted on the plan. She stated that any variation from that would require a new special permit.

MOTION: Mr. Glennon made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals regarding Special Permit #2017-11, 28 Mayflower Avenue / Quinzani, an application to allow the operation of a home office with one part-time employee in the Residential Compatibility District.

DISCUSSION: Mr. Casagrande asked if the Planning Board would consider recommending approval. Mr. Wadsworth asked if the Planning Board would consider recommending not to approve. Ms. Massard commented that the ZBA is seeking recommendations from the Planning Board.

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

Mr. Casagrande and Mr. Uitti both noted that they would have recommended approval of this special permit.

REQUEST FOR WAIVER OF AS-BUILT PLAN: CUSHING'S RETREAT, OFF OLDE PASTURE ROAD / ELM STREET RT

The applicant's representative, Mr. Mark Casey of South Shore Survey, was present to represent the request. Ms. Massard noted that this is a clean-up of an old subdivision that was never finished administratively. She stated that approximately five years ago the project was approved and work started but is not quite finished. She stated that she is working with the developer and there are cost factors. The developer has had a change in income stream, and the subdivision roadway has been constructed except the top coat. The demolition of an accessory structure has not been done as required in the Certificate of Notification, and also the As-Built plan has not been approved yet.

Ms. Massard noted that the As-Built plan would cost thousands of dollars and by working with the developer and builder to add a dwelling with a taxable lot would be a positive outcome. She noted that this is one approach to cleaning up an unfinished subdivision. She stated that the lot cannot be released until a performance guarantee has been provided. However, the developer does not want to put a top coat on until after the house is built so that the road surface is not damaged. She reported that a new buyer has agreed to tear down the accessory structure, and the Building Inspector has stated that he will not issue a building permit until that structure is removed. She asked if the Planning Board would consider waiving the As-Built requirement in order to lower the cost and enable the completion of the subdivision otherwise, rather than leaving the lot idle.

Mr. Casagrande noted that this subdivision was a paper extension of Olde Pasture Road. Mr. Uitti noted that a drainage system was part of this subdivision also. Ms. Massard noted that a drainage inspection report is included in

the Planning Board's packet. She reported that she has visited the site on rainy days and the drainage works and there is no erosion. She stated that the roadway actually functions as a driveway.

Mr. Casagrande stated that he would like to see the accessory structure torn down, and Ms. Massard reported that the buyer would like to do that, and a Purchase & Sales agreement requiring this has been provided.

Mr. Uitti asked if the buyer would object to providing certification from a professional engineer that the project has been built as approved. Ms. Massard responded that it would basically be an As-Built. She noted that there is a slight crowning to the left instead of to the right of the drainage structure so it now pitches to either side. She noted that the wearing course appears to be handling runoff, but she is not an engineer so she cannot certify it.

Mr. Casey stated that the roadway is 14-feet wide and functions as a driveway off a cul-de-sac on Olde Pasture Road. He stated that the house is on a different location from the demonstrative location on the approved subdivision plan. He stated that it makes no sense to push the driveway to a different location. Also, only a binder course has been installed on the roadway. Ms. Massard showed Planning Board members photos taken on her telephone today.

Ms. Ladd Fiorini asked if the driveway would be completed eventually, and Mr. Casey responded, "Absolutely." Mr. Wadsworth noted that waivers were granted with this subdivision approval. Mr. Casagrande noted that in reality the roadway is just a driveway.

Mr. Glennon asked if there is any precedent to the Planning Board waiving an As-Built plan. Mr. Casagrande stated that he could see waiving it for two lots or less. Ms. Turcotte noted that building permits sometimes require As-Built plans.

Mr. Wadsworth stated that As-Built plans are very important because memories go dim and a plan is needed to show actual locations of gas lines and electrical lines. Ms. Massard stated that utility lines will be shown on the plan submitted for the building permit. Mr. Casey added that they will be shown on the septic plan approved by the Board of Health also.

Mr. Uitti noted that the decision issued by the Planning Board in 2010 required an As-Built to show that the drainage was built correctly. Ms. Massard stated that we know that the drainage is working and that it was inspected and approved by the town's consulting engineer at the time it was installed. Mr. Casey confirmed that the Building Inspector will not issue a building permit until the accessory structure is razed. Mr. Wadsworth stated that it cannot be hard to do an As-Built for a driveway.

Mr. Glennon stated that he has a concern with waiving that component of the Subdivision Rules & Regulations, and suggested that there may be another way to achieve the goal. For example, he asked if the Planning Board would consider deferring the As-Built to be a requirement of the Occupancy Permit with the Building Inspector, Mr. Scott Lambiase. Mr. Casey objected that it is just a driveway. Mr. Glennon stated that his concern is that in the future more waivers will be requested. Instead he stated that he prefers to find a way to comply with the spirit of the requirement for an As-Built rather than waiving it outright. Mr. Casey stated that every decision on every board is site specific and not precedent-setting.

Ms. Ladd Fiorini asked why the Planning Board issued the decision this way. Mr. Casey stated that Lot A (that fronts on Summer Street) on the original plan should have been an ANR instead of part of the subdivision.

Ms. Massard stated that if the Planning Board chooses to waive the As-Built as described by Mr. Glennon, paperwork could be provided for the Planning Board meeting on November 15, 2017 that would require the new owners to come before the Planning Board for lot release at a future date and to map out conditions. Mr. Glennon clarified with Ms. Massard that the Planning Board would conditionally release the lot but would request that Mr. Lambiase include the As-Built as a condition of the Certificate of Occupancy. Ms. Massard offered that staff could prepare the documentation.

Mr. Glennon stated that he applauds Ms. Massard's efforts to clean up unfinished subdivisions; however, he cautioned that the Planning Board needs to be careful about how they go about it.

MOTION: Mr. Glennon made a motion, and Ms. Turcotte provided a second, for the Planning Board to defer the requirement for the filing of an As-Built plan for Cushing's Retreat Definitive Subdivision / Elm Street RT until and subject to the issuance of a Certificate of Occupancy by the Building Commissioner, with the accessory structure to be razed as required in the original Certificate of Occupancy.

VOTE: The motion carried unanimously, 6-0.

PLANNING DIRECTOR REPORT

Comprehensive Plan: Ms. Massard reported that, thanks to great coverage by the *Duxbury Clipper* and volunteer efforts of ambassadors and the school system, the preliminary results show a ten percent response rate of the adult population on filling out the Envision Duxbury survey. She noted that this is the best response rate the Metropolitan Area Planning Council (MAPC) has found in the metro Boston area. She stated that the responses represent a lot of new voices from people who do not typically attend Town Meeting or visit Town Hall on a regular basis.

Ms. Massard invited the public to an Envision Duxbury community forum to be held at the Duxbury Free Library on Wednesday, November 15, with a reception at 6:30 PM and the meeting to begin at 7:00 PM. Ms. Massard reported that staff from the MAPC will do the presentation twice and will display responses. The goal of the forum is to create a vision statement, with residents providing input on a draft statement prepared by MAPC, and to provide other input on the topics being discussed.

Mr. Glennon asked if the community forum would be televised, and Ms. Massard replied that it will be videotaped and televised at a later date. She stated that if there is an overflow turnout that a second forum could be scheduled. She noted that public engagement is the most important part of the Comprehensive Plan process. She directed residents interested in learning more to look for the "Envision Duxbury" tab on the town's web site.

OTHER BUSINESS

Engineering Invoices:

MOTION: Mr. Wadsworth made a motion, and Ms. Turcotte provided a second, to approve Amory Engineers invoice #14778B in the amount of \$655.50 for services related to the Eventide Definitive Subdivision / Diamond Sinacori.

VOTE: The motion carried unanimously, 6-0.

Meeting Minutes:

MOTION: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to approve meeting minutes of September 27, 2017 as amended.

VOTE: The motion carried unanimously, 6-0.

Definitive Subdivision at 1065 Summer Street / Tedeschi: Ms. Massard presented a new action item to affirm a street name, Dogwood Drive, suggested by Town Historian, Mr. Tony Kelso, and agreed by the applicant, Mr. Matthew Tedeschi. Ms. Massard stated that if the Planning Board members were agreeable to this street name, it would be added to the Certificate of Notification for the Definitive Subdivision. Board members agreed.

MBTA Advisory Board: Board members reviewed correspondence entitled "MassDOT Public Comment – October 16, 2017" copied to them by Mr. Richard Prone, who serves as MBTA Advisory Representative from the Town of Duxbury. The comments included recommendations by Mr. Prone that the MBTA consider scheduling commuter rail service so that area residents could attend evening events in Boston, among other suggestions. Mr. Glennon commended Mr. Prone's dedication and hard work on the MBTA Advisory Board, noting that his comments are well-informed and useful.

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ADJOURNMENT

The Planning Board meeting adjourned at 8:57 PM. The next Planning Board meeting will take place on Wednesday, November 15, 2017 at 7:00 PM at the Duxbury Free Library, 77 Alden Street, Merry Room.

MATERIALS REVIEWED

- Planning Board agenda for 10/25/17
- ZBA materials for 668 Tremont Street / Town of Duxbury Fire Department
- Assessor's property card for 668 Tremont Street
- ZBA materials for 0 North Street / Baldwin
- Assessor's property card for 0 North Street
- LOMA issued by FEMA dated 07/07/17 re: 0 North Street
- Deed for 0 North Street (Book 47768, Page 342)
- ANR plan for 0 North Street endorsed by the PB on 04/14/14
- ZBA materials for 28 Mayflower Avenue / Quinzani
- Assessor's property card for 28 Mayflower Avenue
- Cushing's Retreat Certificate of Notification dated 08/27/10
- Cushing's Retreat approved Definitive Subdivision Plan dated 08/13/12
- Daily Inspection Report dated 08/30/12, submitted by Fay, Spofford & Thorndike
- Email from V. Massard to Kingstown Corp. dated 04/03/17 re: Cushing's Retreat
- Letter from M. Casey of South Shore Survey dated 10/18/17 re: Cushing's Retreat Subdivision
- Amory Engineers invoice #14778B dated 10/02/17 re: Eventide Definitive Subdivision
- Draft PB minutes of 09/27/17
- Letter from R. Read to M. Draisen of MAPC and P. Ciaramella of OCPC dated 10/12/17 re: Federal Regulation 23 CFR 450.312(g) MPO Boundaries
- MassDOT Public Comment – October 16, 2017 by R. Prone with supporting documents (3 pages)

Distributed at Meeting

- Letter from R. Grady of Grady Consulting LLC to PB dated 10/19/17 re: Definitive Subdivision Plan – 232 Surplus Street (request to withdraw)
- Memorandum from S. Curtis & J. Baldwin to ZBA dated 10/24/17 re: Brief for special permit, 0 North Street / Baldwin
- Email from K. & M.A. Abplanalp to PB dated 10/24/17 re: Opposition to special permit at 0 North Street / Baldwin
- Letter from N. & D. Frangesh to PB dated 10/24/17 re: Opposition to special permit at 0 North Street / Baldwin
- Photographs of 28 Mayflower Avenue submitted to PB on 10/25/17

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