



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2020 OCT 22 AM 8:11
DUXBURY, MASS.

Minutes 10/5/20

The Planning Board met on October 5, 2020 at 5PM. This meeting was conducted remotely via zoom video call due to COVID-19.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming. To watch replays of a meeting, visit www.pactv.org/duxbury or to watch online visit PACTV's Video on Demand at www.pactv.org/ondemand.

NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WAS PERMITTED.

Every effort was made to ensure that the public could adequately access the proceedings to the best of our technical abilities; and despite our best efforts due to lack of technical infrastructure, this meeting will be available on PACTV to view a video recording and a transcript or other comprehensive record of proceedings as soon as possible after the meeting.

Public phone in-access was available during this meeting at 781-934-1100 x5475. Public email access was available during this meeting at duxburyplanningboard@gmail.com. The public was able to watch the zoom webinar by clicking on the following link:
<https://us02web.zoom.us/j/85277898854?pwd=R0NESWVKZ2JidmJTaDVIeW5CZG52dz09>.

Present: Scott Casagrande, Chairman; Brian Glennon, Vice-Chairman; Jennifer Turcotte; George Wadsworth; Cynthia Ladd Fiorini; and Keith MacDonald.

Absent: David Uitti, Clerk.

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

Mr. Casagrande called the meeting to order at 5:14PM and noted that the delay was due to technical difficulties. This was the first meeting using the Town's zoom account rather than PACTV's account, and there were some unanticipated configuration issues.

Open Forum

No one from the Board brought anything forward during the open forum.

ZBA Referral, Special Permit: 9 Puritan Way (ZBA Case #2020-13)

Katherine Rielly, homeowner, and Dennis Daly, architect for the project, were in attendance. Mr. Daly said the existing building is a single-story cottage with additions on the East and South sides in an L-shape. He said part of the original building crosses the property line. He said they plan to move the building to the center of the site. The goal is to maintain the footprint of the building, while making it more compliant with zoning, and adding one floor. He said they want to make the building more in scale with the neighborhood while maintaining the character of the house, which he estimated was built around between 1920 and 1940.

Mr. Casagrande said the house encroaches into the setbacks, but it will be pushed over. He said it will encroach a little on the other side. Mr. Casagrande asked if the applicants have the support of the neighbors. Ms. Rielly said she sent out the plans to everyone in the neighborhood and she received no complaints. Mr. Casagrande asked if the owners of the property that the house is getting closer to are okay with the plans, and Ms. Rielly said yes. Mr. Casagrande said they are adding a small amount of additional lot coverage, but they are still within the 3 percent allowance.

Mr. Glennon asked where parking will be on the property, since the applicant will now be encroaching on the Eastern setback, as well. Mr. Daly said there are 16 feet to the property line on the other side of the house and they have made accommodation for cars to fit more comfortably in front of the house, which is where parking is currently located. Mr. Glennon asked if there is a plan to add a shed or other outbuilding to store lawn equipment and the like. Ms. Rielly said no, there are no plans to construct a shed. She anticipates using the walkout basement for equipment storage.

Mr. Glennon said that this project is the perfect example of why the Town needs to address zoning districts. He said that when a non-conforming building is torn down, another non-conforming building should not be built in its place. However, this particular property, as well as the area in general, is comprised of small lots where full RC district compliance is not possible. Mr. Casagrande agreed, and noted that there are many instances of areas like this where the Town should consider whether a new zoning district would be more appropriate.

Mr. Glennon asked about the height of the building on the abutting lot directly to the East of the property. Mr. Daly said it is about 27-28 feet to the mid-height and most buildings in the area are two stories.

Ms. Ladd Fiorini asked if there is a large increase in setbacks, square footage, etc. Mr. Casagrande said there is a small increase in volume, but the zoning bylaws address height, not volume. He said the maximum building coverage is increasing from 22.9 percent to 24.4 percent.

Motion: Ms. Ladd Fiorini made a motion to defer to the ZBA the Special Permit request of 9 Puritan Way. Ms. Turcotte provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Wadsworth - Aye; Mr. Glennon - Aye; Mr. MacDonald - Aye; and Mr. Casagrande - Aye.

298 Kings Town Way

Ms. Massard said the memory care facility has been completed and they have temporary occupancy. She said they have received an as-built plan for the project. Mr. Glennon said they have also received a letter from Pat Brennan confirming the adequacy of the as-built plan.

Motion: Mr. Glennon made a motion to accept the plan entitled "As/Built Survey 298 Kings Town Way (Route 53) Duxbury, Massachusetts," and dated September 3, 2020 and release any remaining escrow funds plus accrued interest. Ms. Ladd Fiorini provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Wadsworth - Aye; Mr. Glennon - Aye; Mr. MacDonald - Aye; and Mr. Casagrande - Aye.

Evergreen Terrace

Gerard Savard, the applicant, was in attendance. Ms. Massard said Evergreen Terrace is the two-lot subdivision that was recently approved. She said the 20-day appeal period is over and the Board can endorse the plans and enter into a covenant.

Ms. Massard said the plans in the agenda packet for Evergreen Terrace are ready to be endorsed, and she will sign them after it is voted upon, as the Board has voted her their signatory during COVID-19. She said the Board needs to enter into a covenant with the applicant that states they may not sell the lots until the improvements are made or a performance guarantee is in place. She said there are draft covenant and homeowners association documents in the agenda packet.

Mr. Glennon mentioned that in the staff memo about this project, it was the opinion of Town Counsel that a certain administrative plan change was acceptable prior to signing the plans. He asked if there is a plan with a later revision date, as the plans before the Board have a revision date of June 1, 2020. Mr. Savard said the most recent revision was on September 16, 2020. Ms. Massard said there is a small triangular parcel on the other side of the street that had a title issue, so it needed to be withdrawn from the project. Mr. Savard said that parcel is part of Lot B at the rear of the site. Ms. Massard said the property is about 7 acres, and without that parcel, it still meets the requirements for lot coverage and area. She said she spoke to Town Counsel, who confirmed that since the lots have not yet been created, the removal of the parcel does not require any further public notice or action by the Board. Mr. Glennon pointed out that at the time the proposal was being considered, the Board specifically inquired of the applicant about, among other things, the ownership of the triangular parcel, and the applicant's representative assured the

Board that there were no ownership issues. Mr. Glennon said that he was therefore surprised by the change, as it is contrary to what was told to the Board.

Mr. Glennon also observed that the draft covenant and trust are in the name of "Gamsa Development LLC" as the declarant, and asked what the connection is between the applicant and this new LLC. Mr. Savard said this is a newly formed LLC, of which he and Louis Gammons are principals. Mr. Glennon said Gamsa Development has no present interest in the land, and that he is concerned about there being a disconnect with the application, which lists Gerard Savard as the applicant, and the covenants and declaration, which list Gamsa Development LLC. Mr. Glennon suggested the applicant's counsel revise the draft covenant and declaration that states that Gamsa Development LLC is the successor in interest of the original applicant.

Motion: Ms. Turcotte made a motion to approve and endorse plans entitled "Definitive Subdivision Plan to be Known as Evergreen Terrace (Parcel ID: 93-29-1 & 75-922-50), Duxbury, Massachusetts," dated March 16, 2020 and revised through September 16, 2020 (11 sheets) and covenants, subject to receipt from applicant's counsel to provide the successor in interest for title chain. Ms. Ladd Fiorini provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Glennon - Aye; Mr. MacDonald - Aye; and Mr. Casagrande - Aye. *Mr. Wadsworth was unable to vote due to technical difficulties.

Zoning Recodification Discussion: Use Chart

Mr. Casagrande said there was no new material related to this item sent out with the agenda packet, however he wanted to discuss with the Board whether they had any comments on Amy Kwesell's draft from the last meeting. Mr. Glennon said he provided his comments on the use table to Ms. Massard and Ms. Hadley. Mr. Casagrande said he can circulate the document to the rest of the Board and members can add their individual comments and send it back to staff.

Mr. Casagrande said there is some more discussion needed on the use chart. He said some uses that are not currently addressed to add to the use chart are kennels and hotels/motels. He said the way that the current bylaw is intended is that if it is not in the use chart it is not allowed, but that creates issues. Mr. Casagrande said municipal uses need to be added to the chart. Ms. Massard said that municipal uses need a 2/3 Town Meeting vote to go into effect, located elsewhere in the zoning.

Ms. Massard said she would like to include other individuals in zoning discussions regarding businesses and Michael Juliano and Chuck Weilbrenner are in attendance. She said she would like to look at flexibility in zoning to deal with sea level rise in Snug Harbor, as the discussion evolves in the NB Districts.

Ms. Massard said she and Ms. Kwesell would like to move forward with zoning recodification, but they are not sure what the next steps are. Mr. Casagrande said at the last meeting, Ms. Kwesell said she could put the current bylaws in a table of contents, clean up any language that

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does not work, and highlight any issues. Ms. Massard said the language needs to be updated before changes are made. Ms. Massard asked if she and Ms. Kwesell should move everything in the table of contents format without changing any language. Mr. Casagrande said they could make a red-line document and change only change language that does not make sense.

Mr. Glennon offered to make his previously-submitted edits available to the other Board members so they can make additional edits before the next meeting, and requested that any such circulation be handled by staff so there will be no Open Meeting Law issues.

Mr. Casagrande said he has not been able to get in much contact with some of the other stakeholders that are involved in this project, but he will share edits with them after all the Board members have made their comments/edits. Ms. Massard said she would like to put the document on the Town website, so it is available to the public, rather than just a few individuals.

Ms. Massard said she would rather have a master document that everyone is working off of instead of everyone putting their edits on top of Mr. Glennon's edits. Then they can share the clean document with Town Counsel. She said other committees are interested in this process as well, so surveys or other methods should be explored to receive comments/edits.

Ms. Massard said there are no articles related to zoning recodification that will be on the warrant for this Annual Town Meeting.

Mr. MacDonald asked Ms. Massard if it would be more helpful to make handwritten notes rather than a redline document. Ms. Massard asked the Board members to send in their individual comments in whatever format they are most comfortable with. She said she needs to come up with a better system for edits. Mr. Glennon said Ms. Kwesell may have some ideas about what kind of formats have worked for similar projects in other Towns.

Mr. Juliano, owner of Milbrook Marketplace and member of the Economic Advisory Committee, and Mr. Weilbrenner, Chairman of the Economic Advisory Committee, offered to help the Board with this project.

Mr. Casagrande said he thinks the Board should make edits and then bring that edited version to stakeholders for their edits. Ms. Massard said she thinks the Board needs to establish how to manage making edits regarding the suggested uses that could be added to the chart and she does not want to get sidetracked with edits to the use table so far in advance. She said she will draft a scope of work for the process, as this is important to sort out.

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Motion: Mr. Glennon made a motion to approve August 24, 2020 minutes as written. Mr. MacDonald provided a second.

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Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Wadsworth - Aye; Mr. Glennon - Aye; Mr. MacDonald - Aye; and Mr. Casagrande - Aye.

Motion: Mr. Glennon made a motion to approve September 14, 2020 minutes as written. Ms. Ladd Fiorini provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Wadsworth - Aye; Mr. Glennon - Aye; Mr. MacDonald - Aye; and Mr. Casagrande - Aye.

Other Business

Ms. Massard said she is currently working on the budget, which is requested as level-funded. She also confirmed that the first public outreach meeting for the Complete Streets program is scheduled for October 28 via zoom webinar.

ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 6:37PM. Ms. Turcotte provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Wadsworth - Aye; Mr. Glennon - Aye; Mr. MacDonald - Aye; and Mr. Casagrande - Aye.

The next Planning Board meeting will take place on Monday, October 19, 2020 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- October 5, 2020 Agenda
- ZBA Case #2020-13: 9 Puritan Way
- Plan entitled "As/Built Survey 298 Kings Town Way (Route 53) Duxbury, Massachusetts," and dated September 3, 2020
- Amory Engineers Letter: 298 Kingstown Way As- Built Plan dated September 11, 2020
- Planning Director Memo RE: Evergreen Terrace Subdivision Plan Endorsement dated October 1, 2020
- Plans entitled "Definitive Subdivision Plan to be Known as Evergreen Terrace (Parcel ID: 93-29-1 & 75-922-50), Duxbury, Massachusetts," dated March 16, 2020 and revised through September 16, 2020 (11 sheets)
- Evergreen Terrace Draft Form H Covenant
- Evergreen Terrace Draft Form K-1 Declaration of Reserved Easements
- Evergreen Terrace Draft Declaration of Evergreen Terrace Homeowners Trust
- August 24, 2020 Draft Minutes
- September 14, 2020 Draft Minutes

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