



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
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DUXBURY, MASS.

Minutes 11/2/2020

The Planning Board met on November 2, 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 be 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; David Uitti, Clerk; Cynthia Ladd Fiorini; Jennifer Turcotte; and George Wadsworth.

Absent: Keith MacDonald

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

Mr. Casagrande called the meeting to order at 5:01PM.

Open Forum

Ms. Ladd Fiorini said the Community Preservation Committee (CPC) met last Monday with the Board of Selectmen to discuss the Temple Street property. She said they decided to offer the homeowner \$2.2 million for an eminent domain taking, as reported in the Clipper.

Mr. Glennon said that at the last meeting, the Board was concerned that the Planning Department's budget might be balanced by reducing Ms. Massard's salary. He reminded the Board that they voted for a resolution to inform the Board of Selectmen and Town Manager that they are against a reduction in Ms. Massard's salary as a method to balance the Planning Department's budget. He reported that the budget numbers were rerun, and while it is no longer necessary for Ms. Massard to reduce her salary, some customary business expenses might not be reimbursed going forward. He said that Mr. Casagrande, on behalf of the Board, will articulate to the Town Manager that the Board does not support the elimination of Ms. Massard's existing mileage or phone plan reimbursements. Mr. Casagrande said he will get in touch with the Town Manager by the end of the week. A formal letter to the Board of Selectmen and Town Manager is no longer necessary because the underlying salary matter has been resolved.

ZBA Referral, Special Permit: 65 Ocean Road North (ZBA Case #2020-14)

Jessica Williams of Duxbury Design was in attendance to represent the applicants. Ms. Williams showed the Board images of the existing property and sketches of the proposed changes. She said the house is tight to the property lines. She said they are picking up the existing dwelling and placing it on pilings due to flooding protection needs. They are also adding a second floor to a section of the house that is currently only one floor. She said the homeowners are renovating the interior. She said they are also adding trim to the exterior to make it more attractive.

Mr. Casagrande said the house will have the same enclosed footprint because they are increasing the second floor to match the first floor. Mr. Casagrande said it is not getting closer to lot lines. He said the house is well within its setbacks. Mr. Glennon said this is another example of why the Town needs to modify the zoning district in this area of the community, as all of the properties are nonconforming and all redevelopment requires zoning relief.

Mr. Casagrande asked Ms. Williams if they have received any comments from neighbors. Ms. Williams said they have not yet received comments from neighbors, but the public hearing for the Zoning Board of Appeals is on November 12th, so she expects to hear feedback then.

Motion: Mr. Glennon made a motion to defer to the ZBA the Special Permit request of 65 Ocean Road North. Ms. Turcotte provided a second.

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

ZBA Referrals, Special Permit/Variance: 260 & 298 Kings Town Way (ZBA Cases #2020-16 & #2020-17)

Ms. Massard said Attorney Kevin Gaughan and Paul Casale from the Village at Duxbury Homeowners Cooperative Corporation are in attendance. She told the Board that the two ZBA cases for 290 Kings Town Way and 298 Kings Town Way are related and asked the Board if they would like to review the filings at the same time. Members of the Board were comfortable with reviewing the filings at the same time.

Mr. Gaughan said 298 Kings Town Way was reviewed as an Administrative Site Plan Review in 2019. He said they have constructed a Memory Care Facility at the site and recently obtained a certificate of occupancy. 290 Kings Town Way and 298 Kings Town Way share a driveway. He said 290 Kings Town Way is campus-type housing for Senior Citizens. He said they plan to modify the sign at the lip of the shared driveway. The existing sign from 1989 is for 290 Kings Town Way and they want to add a panel to that sign for 298 Kings Town Way. They plan to raise the pole by two feet. They also propose to construct a sign further into the property for 298 Kings Town Way that is 12 inches off the ground at the base.

Mr. Gaughan said they were not positive that the sign was subject to zoning, but they wanted to submit special permit and variance applications out of an abundance of caution. Mr. Casagrande asked if they are sure that pole height is included in zoning. Mr. Gaughan said he reads the bylaw to mean that the pole, as part of the overall sign structure, is included.

Ms. Ladd Fiorini asked why the new sign for 298 Kings Town Way is so low to the ground. Mr. Gaughan said when they did the Administrative Site Plan Review, they put in screenings and plantings in that area so they did not want to disturb the plantings with the new sign. Mr. Glennon asked Mr. Casale where snow will be piled for the site, and expressed concerns about how snow banks may affect the visibility of the signs since they are so low to the ground. He said the ASPR project was well done. Mr. Casale said storage of the snow will be at the rear of the parking lot for the facility. He said they wanted to keep the sign low down because people should be going 15 to 20 miles per hour down that street. He said he will keep the snow in mind for maintenance of the signs.

Ms. Massard reminded the public that the Planning Board is just advisory in these ZBA cases.

Motion: Ms. Ladd Fiorini recommended approval of the two special permit/variance requests for 290 & 298 Kings Town Way to the ZBA, noting that they are consistent with public safety. Mr. Uitti provided a second.

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

ZBA Referral, Special Permit: 8 White Street (ZBA Case #2020-18)

The applicants were not available to attend the meeting.

Mr. Casagrande said the applicants are building a two-story addition to a pre-existing, non-conforming house. Mr. Casagrande said the existing setback on frontage is too close, but they are maintaining that with the addition and they are not encroaching on any other setbacks. Ms. Massard said the addition also includes some ADA accommodations. Mr. Glennon noted from the application materials that the homeowners have elderly parents and a disabled child they would like to accommodate. Mr. Glennon said there is a need for accessible housing in Town. Ms. Ladd Fiorini expressed confusion that the bedrooms are on the second floor if they are trying to make the house more accessible. She said there are handicapped accommodations on the first floor, but there are no bedrooms on that floor.

Ms. Massard said they are maintaining the same front line in terms of the setback.

Motion: Mr. Glennon made a motion to recommend approval of the Special Permit request for 8 White Street. Ms. Turcotte provided a second.

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

ZBA Referral, Special Permit: 127 Tremont Street (ZBA Case #2020-19)

Applicant proposes to construct an LED gas price sign at Sam's Gas.

Salim Elias from Sam's Gas and Gilmar Silva from Best Price Signs & Printing were in attendance. Ms. Massard said she does not believe there are any LED signs in Town. Ms. Ladd Fiorini said there is an LED light at the Senior Center. Ms. Massard said the Senior Center sign is exempt from zoning, since it is a municipal building, and is an exemption.

Mr. Glennon asked if the sign is currently lit at night, and whether the lighting is internal. Mr. Elias said yes the sign is already internally lit, and they can only change the prices manually on a ladder currently. He said that prices change daily, so he wants to replace the price sign for the safety of his employees.

Mr. Casagrande said Duxbury does not allow neon signs in the Zoning Bylaws, although LEDs are a little different. Mr. Glennon noted that modern LED price signs have adjustable light intensity. Mr. Silva said they are able to lower the intensity of the lights on the LED sign, and the prices can be modified with a remote control. Mr. Elias said they have had LED signs put in their other locations and they can dim the sign to the point that it does not look like LED. Mr. Casagrande said most signs in Town are exterior-lit; and he said he does not see an issue with the sign as long as the lights are dimmed enough that they are not too distracting to drivers. Mr. Glennon said the sign only needs to be bright enough to be seen, and these kind of signs are not

like neon signs. He said the request is appropriate and the applicant has expressed understanding that the lights need only be bright enough to be clearly visible to drivers.

Motion: Mr. Wadsworth made a motion to defer to the ZBA the Special Permit request of 127 Tremont Street, noting that the Design Review Board's input is important to this case and that the applicant should make sure the brightness of LEDS are kept at an acceptable level. Ms. Turcotte provided a second.

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

Fund Releases: Hawkin's Place and 95 Tremont Street

Ms. Massard said staff is tracking down developers who have money sitting in Planning Department accounts. She said there has been money in some accounts for decades. She said this is not unusual in Massachusetts, where Towns used to hold on to money for long periods of time. She said this has become an out-of-date practice, and staff is trying to clear these old accounts as a housekeeping activity. She noted that the Town has made previous attempts to return these funds to the appropriate owners.

Mr. Glennon asked if there is anything for these projects that the money might be needed for. Ms. Massard said no, the projects are long finished and the escrow accounts are strictly for engineering peer review costs.

Motion: Ms. Ladd Fiorini made a motion to release any remaining funds plus accrued interest in accounts for RHB Rob Burpee/ Hawkin's Place and 95 Tremont Street to the applicants. Mr. Uitti provided a second.

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

Letter to Clipper RE: Complete Streets Outreach Assistance

Ms. Massard said she noticed the Clipper, on its own initiative, has been directing the public to the Wikimap for the Complete Streets program. She drafted a letter to the editor thanking them for their assistance, and she asked the Board if they had any edits. No Board members had any edits to the letter. Ms. Massard said she will finish the letter and send it to the editor this week.

Mr. Glennon asked Ms. Massard to elaborate on the letters in the meeting materials concerning about Exit 10. Ms. Massard said she would like to publicly thank the officials, representatives, and agencies who wrote letters to MassDOT in support of the Town. The Town was given notification from MassDOT that they were planning on pulling the Exit 10 traffic signal out of the Transportation Improvement Plan (TIP), which would help pay for construction (the Town

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needs to pay for the engineering review). She said the Town had to commit to a date to get a one-year extension to keep the project on the TIP.

Ms. Massard thanked MassDOT Highway Division, Old Colony Planning Council (OCPC), and local delegation for their support, as well as the Town of Kingston and the State. Ms. Ladd Fiorini noted that in the letter, it says they will revisit progress in February 2021. Ms. Massard said Duxbury will need a second extension, unless Kingston can bring the project to their Annual Town Meeting this year.

Mr. Wadsworth asked Ms. Massard what the chances are of Duxbury funding the engineering review at this year's Town Meeting. Ms. Massard said the Town Manager and Finance Director have said it is not possible this year since there is no extra money available in the budget. She said they can only consider funding at Annual Town Meeting 2022 in Duxbury.

Invoices

Motion: Ms. Ladd Fiorini made a motion to pay Merrill invoice #10352 in the amount of \$480.00 for 308 Summer Street (LaCoss Road). Ms. Turcotte provided a second.

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

Minutes

Motion: Mr. Glennon made a motion to approve minutes from October 19, 2020 as written. Ms. Ladd Fiorini provided a second.

Vote: Mr. Glennon - Aye; Mr. Uitti - Aye; Ms. Ladd Fiorini - Aye; Mr. Wadsworth - Aye; Mr. Casagrande - Aye; Ms. Turcotte abstained due to absence from October 19th meeting.

Other Business

Ms. Massard reminded the Board members that staff is soliciting comments on the Zoning Bylaw use table and they have not received comments from several Board members.

She said they received two public comments on the Complete Streets policy. She said she will be bringing a draft to the Board. She said the Wikimap will be closing on November 11th. Mr. Glennon made reference to the agenda posted for the Planning Board at the Complete Streets Public Forum on October 28th, but there was no quorum of members so he just wanted to make sure there was nothing further for the Board to do for that meeting. Ms. Massard said they had posted the agenda just in case there was a quorum of members, but since there was not, nothing further needs to be done.

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Ms. Massard said she has been speaking with Washington Street sidewalk fundraising group to see if building a sidewalk in that area is feasible.

Mr. Casagrande said he is conducting a review of Ms. Massard's performance and asked Board members to give him their comments.

ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 6:13PM. Mr. Wadsworth provided a second.

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

The next Planning Board meeting will take place on Monday, November 16, 2020 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- November 2, 2020 Agenda
- ZBA Case #2020-14 - 65 Ocean Road North
- ZBA Case #2020-16 - 290 Kings Town Way
- ZBA Case #2020-17 - 298 Kings Town Way
- ZBA Case #2020-18 - 8 White Street
- ZBA Case #2020-19 - 127 Tremont Street
- Planning Director Memo RE: Subdivision & Escrow Clean-up dated November 2, 2020
- Letter RE: Hawkin's Place Escrow & Performance Bond Release dated October 19, 2020
- Email Correspondence RE: Hawkin's Place Subdivision Fund Release
- Planning Director Letter RE: Hawkin's Place Inactive Accounts dated February 14, 2013
- Email Correspondence RE: Standish LLC - 95 Tremont St Escrow Fund Release
- Planning Department Letter RE: Administrative Site Plan Review - 95 Tremont Street Escrow Account dated October 27, 2010
- Recorded Administrative Site Plan Review As-Built Certificate - 95 Tremont Street dated September 27, 2010
- Draft Clipper Letter to Editor RE: Complete Streets Outreach Assistance
- Letter from MassDOT Highway Division to Town Manager RE: Duxbury - Signal Installation @ Route 3 Ramps & Route 3A Project File No. 606002 dated September 16, 2020
- Letter from Rep. Josh Cutler, Rep. Kathleen LaNatra, and Sen. Patrick O'Connor to MassDOT Highway Division RE: Duxbury - Signal Installation @ Route 3 Ramps & Route 3A Project File No. 606002 dated October 15, 2020
- Letter from Town Manager to MassDOT Highway Division RE: Duxbury - Signal Installation @ Route 3 Ramps & Route 3A Project File No. 606002 dated October 6, 2020

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- Letter from Old Colony Planning Council to MassDOT Highway Division RE: Duxbury - Signal Installation @ Route 3 Ramps & Route 3A Project File No. 606002 dated October 5, 2020
- Letter from MassDOT Highway Division to Town Manager RE: Duxbury - Signal Installation @ Route 3 Ramps & Route 3A Project File No. 606002 dated October 20, 2020
- Merrill Invoice #10352 - 308 Summer Street (LaCoss Road)
- Draft Minutes October 19, 2020