



# Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

## Minutes 11/28/18

The Planning Board met on Wednesday, November 28, 2018 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

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

Absent: All members present.

Staff: Valerie Massard, Planning Director; and Ashley MacMillan, Administrative Assistant.

Mr. Casagrande called the meeting to order at 7:05 PM.

### OPEN FORUM / COMMITTEE LIASON REPORTS

No one from the Planning Board, staff, or public audience brought anything forward during open forum.

#### A.) ZBA REFERRAL: 14 STETSON PLACE

Ms. Massard explained that the applicant is seeking to make modern improvements to a dwelling on an undersized lot. The improvements seek to construct an addition on the existing dwelling, increasing the coverage. Ms. Massard said that the shed shown on the plan has since been demoed.

Ms. Ladd Fiorini asked why the demoed shed is being shown on the plan. Mr. Doug Friesan, of Duxborough Designs, explained that the demoed shed is shown on the plan to reflect the previous coverage of the lot.

Mr. Casagrande said that with the lot size of 8,513 sq. ft., a 3% coverage increase would allow for an additional 344 sq. ft. to be added to this property.

Mr. Friesan added that the current dwelling size is not suitable for a family, and believes the addition will preserve the home for years to come by making it more "family-sized."

Mr. Casagrande stated that the preexisting coverage was already over 15%, and the additional 3% will not conform to zoning regulations. Mr. Casagrande recommended having the Zoning Board of Appeals make the final decision.

Mr. Glennon mentioned that in this case, the Planning Board is constrained by the Bylaws. Mr. Glennon recommended going back to the drawing board and approaching this proposal in a way that will be more conforming to the regulations.

Mr. Bear added that the demoed shed should not be shown on an existing conditions plan, and needs to be removed.

Motion: Mr. Uitti made a motion to defer this Special Permit proposal of 14 Stetson Place to the Zoning Board of Appeals, and Ms. Turcotte provided a second. Mr. Wadsworth wanted to mention in the motion that the deferral is due to the fact that the proposal exceeds the allowable 3% coverage increase for a preexisting, nonconforming lot.

Vote: 7-0, unanimous.

## **B.) DISCUSSION: TOWN MEETING WARRANT ZONING ARTICLES**

### *MEDICAL MARIJUANA*

Ms. Massard stated that the warrant for March 2019 Town Meeting articles will close on Friday, November 30. The first public hearing will be at the next Planning Board meeting on December 12, which includes a discussion on medical marijuana facilities. Ms. Massard reminded the Board that Ms. Amy Kwesell of KP Law (Town Counsel) explained the two articles (medical marijuana ban and medical marijuana overlay district) at the November 14 Planning Board meeting and again at the Board of Selectmen meeting on November 19.

Ms. Ladd Fiorini asked who would determine the medical marijuana overlay district, if that is how the Town proceeds. Ms. Massard answered that Town Meeting would decide, with a recommendation from the Planning Board. Ms. Massard stated that currently the only restriction is a 500 foot buffer zone between a medical marijuana facility and children's facilities (schools, or any location where children congregate). This is because the Town has no local medical marijuana zoning currently, and is therefore bound by state regulations.

Mr. Wadsworth asked if retail sales are permitted at medical marijuana facilities, and Ms. Massard responded that any type of use is allowed (retail, cultivation, etc.), because any medical marijuana facility can have any use under state regulations. However, a medical marijuana facility would be required to enter a Host Agreement with the Board of Selectmen, which would describe the allowable uses for a specific facility. Mr. Wadsworth asked if uses can be added or removed from the Bylaw, and Ms. Massard answered no, according to Town Counsel.

Mr. Casagrande asked if the Planning Board should be considering potential locations already. Ms. Massard answered that the Board should consider many options and factors such as

proximity to highways, other neighboring uses, zoning districts, etc., if it chooses to regulation location beyond state regulations.

Mr. Uitti pointed out some typos found in the draft language of the medical marijuana article, and also mentioned that Town Counsel should create a glossary of key-terms to include for the public. For example, Mr. Uitti said that "Host Agreement" should be clearly defined, by at least clearly pointing to statutory definitions in state laws.

#### *DEMOLITION DELAY BYLAW*

Ms. Massard drafted zoning based on the Planning Board's support to follow through the question of changing the demolition delay period for historic buildings from 6 months to 12 months, and making the demolition delay nontransferable between property owners. Mr. Casagrande recommends an expiration period of two years. Ms. Massard reminded the Board that the Historical Commission has indefinitely postponed these 3 years previous.

Ms. Massard stated that many neighboring communities are opting for the 12 month demolition delay period. Mr. Casagrande added that many communities choose a time period for a dwelling to be considered historic, for example, homes built before 1840. The Board agreed that this is a question for a future Town Meeting (Duxbury uses 75 years or older).

Ms. Massard asked the Board members to review examples from other communities and bring feedback to the January public hearing.

#### *NEIGHBORHOOD BUSINESS COVERAGE*

Mr. Casagrande stated that the Planning Board needs to give specific examples of commercial district coverage requirements to support the article. Ms. Massard is working on a summary starting with the studies done by the Zoning Bylaw Review Committee in 2010.

### **C.) OTHER BUSINESS**

- **2019 PLANNING BOARD MEETING SCHEDULE:** The Planning Board members agreed to meet January 9, January 30, February 13 and February 27 for the first four meetings of 2019. It was agreed that the rest of the meeting schedule will be determined at a later time.
- **PLANNING DIRECTOR REPORT:** Ms. Massard reported that she has been working with the Sounding Board to make good progress on the Hall's Corner project, and their next meeting will take place sometime in December. In December they will discuss the feedback received from the community during the October public forum.

### **ADJOURNMENT**

Motion: Mr. Uitti made a motion to adjourn at 8:14 PM, and Ms. Ladd Fiorini provided a second.

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Vote: 7-0, unanimous.

*The next Planning Board meeting will take place on December 12, 2018 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.*

Materials reviewed at the meeting:

- ZBA Referral, Special Permit Application 14 Stetson Place
- Draft Warrant Language for ATM Articles