



Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

Minutes 3/28/2018

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

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

Absent: Jennifer Turcotte and John Bear

Staff: Valerie Massard, Planning Director; and Mary Lowe, Secretary

Meeting was called to order at 7:00 PM by Mr. Casagrande.

Open Forum

Mr. Glennon welcomed Mary Lowe, and Tiffany from PACT TV, the new camera operator for the night meeting.

Mr. Wadsworth asked how search for new administrative position is going. Ms. Massard said there were 72 applicants so far and still open and the position will be full time. Timing depends on HR process. Position will report directly to the planning director.

A.) ANR Plan – 50 Mullins Ave- lots to be combined / Lovendale LLC

Ms. Massard stated the 2 undersized lots need to legally be combined to adjust for a garage and meet setbacks.

Motion: Ms. Ladd Fiorini made a motion to endorse ANR, Mr. Glennon provided a second.

Vote: The motion carried unanimously, 5-0.

B.) ZBA Referral, Special Permit: 46 Ocean Road North/ Urquhart

Special permit request is to rebuild the house conforming to raise the house to FEMA requirements and nearly maintaining the non-conformities in area while increasing the volume. There is slight increase in area non-conformity. Mr. Casagrande noted that the house had not been lifted. Ms. Massard said the recent storms have been impacting the need to raise the house, as well as others in the vicinity. Ms. Massard said the house is legally grandfathered and will not create any new non-conformity.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; www.town.duxbury.ma.us/planning

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.

Motion: Ms. Ladd Fiorini made a motion, Mr. Uitti provided a second, to recommend support of the request to the Board of Appeals.

Vote: 4-1, with Mr. Glennon voting against.

C.) Plan Endorsement and Covenant-Nash Road Subdivision

Ms. Massard said more detail is needed before release, and some issues still need to be resolved.

Mr. Casagrande recused himself from the discussion.

The Covenant was submitted, they worked with historic district.

Mr. Wadsworth questioned if the Fire Chief is OK with the plan. Ms. Massard said the problem is the dead-end regardless of the shape because home-owners at the end of roads including cul-de-sacs can make use of the areas for basketball hoops and/or parking thus making turnaround maneuvers difficult; the compromise is a diagram in the HOA documents that no fence/parking/recreational items will be located where there is a need for emergency vehicle turnaround.

Mr. Casagrande said everything is in place except the turning radius diagram. The diagram does not have enough documentation. The decision was published 2/7 asking for the turning radius diagram. Mr. Glennon suggested we wait 2 weeks to give a more measured approach. Mr. Wadsworth asked about the plantings. John Cully from JRM discussed the 3 oaks on the property and the front detention basin. Mr. Cully said he has a landscape architect on staff. Ms. Massard said the Surplus Street plantings will require a site visit with the tree warden. Representative from JRM Realty spoke and said Mr. Grady had a drawing showing 3 trees that were requested to be saved. They need to be looked at in the field; they were not sure how to convey it onto a drawing. Mr. Wadsworth suggested Rhododendrons, it is subjective; need to have a site visit.

Motion: Mr. Casagrande moved to continue the discussion to the next meeting in 2 weeks on April 11. Mr. Wadsworth seconded the motion.

Vote: The vote was unanimous to move the discussion to April 11.

D.) Plan endorsement and Covenant- Dogwood Drive Subdivision

Ms. Massard said there were no changes to the standard planning board Covenant. Attorney Galvin confirmed there were no changes except Ms. Massard's note. Ms. Massard asked that the wording change from Plan C to "the subdivision plan".

Motion: Mr. Glennon moved to enter into Covenant and endorse the plan. Mr. Casagrande seconded the motion to enter in covenant and endorse the plan. Ms. Ladd Fiorini asked for clarification if the property was sold because the boilerplate Covenant language has allowances for a mortgage if property is sold. Ms. Massard said there was no concern because there is no mortgagee, the plan has not been recorded and lots are therefore not sold. Concern about the land in Pembroke was brought up by Mr. Glennon. Ms. Massard said there are no improvements to that land and no additional endorsement is required.

Vote: The vote was unanimous to enter into the covenant and endorse the plan.

E.) Town Meeting Wrap-up

Mr. Casagrande said Island Creek re-zoning went very smoothly. Mr. Glennon stated that the Planning Board worked hard, the Planning Director and Board spent a lot of time on Island Creek. Mr. Glennon acknowledged it was a worthwhile investment of time and effort on the Board's part.

Mr. Wadsworth wanted clarification of commercial zoning at Island Creek. Ms. Massard explained that the zoning map voting showed what the Planning Board and Town meeting voted on – the two front house areas were left RC.

Mr. Casagrande said the marijuana vote went as expected, solar facilities went through pretty flawlessly. Solar is still allowed at landfill. Ms. Massard said 3 different parties are interested in coming to town meeting next year regarding ground-mounted solar in residential and want to talk to the Board about this possibility.

Mr. Casagrande said demo delay was delayed again. Should move the 2 articles to next year, can't go through this every year.

Historic districts did well.

MAPC has been asked for \$25,000 technical assistance. We have enough funding to complete the comprehensive plan without this, but it would be helpful to get the additional assistance.

Ms. Ladd Fiorini asked about Millbrook- Ms. Massard said they would be using gravel or impervious paving as shown on the approved plans.

Mr. Glennon said Bravo to Ms. Massard for repeatedly going up to talk at town meeting. He noted that the residents appreciate her credibility and paid attention to her when she spoke. Mr. Casagrande agreed that people appreciated Ms. Massard. Mr. Casagrande thanked the community for taking the time to come to the meeting.

F.) Reorganization and Committee Appointments

Put off for at least 6 if not 7 members to be present.

G.) Planning Board Priorities Discussion

Ms. Massard said the business districts are a priority.

Questioned access standards- discussion of how private road improvements are made to access an existing otherwise buildable lot and whether more review or a better process could be considered.

Mr. Uitti- asked what access standards we are using. Currently an inspection by Fire and Building after improvements are made is the process. In Plymouth a special permit process was established to provide some oversight – reasonable cost, allows access-related neighbors to weigh in on the improvements. Mr.

PLANNING BOARD MINUTES

Date: March 28, 2018

Page 4 of 6

Casagrande said there are other ways to accomplish main access, often on property owner, that with no oversight they can make improvements. Ms. Massard said it could be a permitting process. Mr. Casagrande agreed it was a really good idea with all the cart paths, it was proactive, to consider options.

Ms. Massard talked about the size of structures relative to height limit. People are going to be raising homes because of the storm damage and the massing and roof shape become important, some other communities have addressed this in different ways.

Mr. Glennon brought up about single story houses adding another floor but staying in the footprint. Mr. Casagrande said the tiny little lots should have special permitting.

Mr. Glennon said he would vote against, Mr. Casagrande said we should address the small lots.

Ms. Massard said we should start dialogue about small lots.

Mr. Casagrande said we should take a look at what we've done.

Ms. Massard said the comprehensive plan is 45% done.

Ms. Massard said that the resiliency plan and public outreach in March was stepped up because of storm damage; if the Board wants edits they need to let her know because it's going to the selectman – the draft was emailed to the Board members.

Ms. Ladd Fiorini stated that MAPC, and presentation a couple of weeks ago.

Mr. Casagrande discussed that Planning staff is working on climate change, working with neighboring towns and FEMA maps.

Ms. Massard is working on getting Duxbury certified as a Housing Choice Community because of the possibility of grants.

Ms. Massard wants to change our forms so people are not filing plans directly with the town clerk without the planning board seeing it so that the applications can be deemed complete.

Sweetzer building got water for the first time. What are we going to do with Snug Harbor? We are going to have to start looking at water dependent uses and flexibility. Ms. Massard is going to check out Falmouth and Woods Hole with a consultant from Snug Harbor. Private and public road policy. Mr. Wadsworth was talking about consultants, and getting pricing. Ms. Massard said we could contract for a single peer reviewer, or rotate. Mr. Casagrande said we end up using the same consultant. Mr. Glennon would like a benchmark before we get bids. Ms. Massard said there is some conflict of interest. There are several firms that can be looked at.

The pattern now is that the Courts are not upholding the changes by the Trump administration to the EPA regulations as they have not been following the proper processes. Probably OK to work with MS4 requirements now and the state will likely issue the permits.

PLANNING BOARD MINUTES

Date: March 28, 2018

Page 5 of 6

Mr. Glennon asked about the ambassadors, and said he thinks we should recognize them as volunteers of the year next year, and keep working with them.

Mr. Casagrande said we need to keep the positive progress on the items in the Planning Board/Planning Department priority list moving forward.

H.) Chapter 61 Notice of Intent to Sell: Chapter 61A 14 Edgar W. Loring, Inc. 0 East St = Parcel ID 058-021-000

Mr. Uitti recused himself because a partner in his law firm represents the buyer. This is not an adequate bona fide offer because the purpose of the purchase was for a ground mounted solar array. The zoning change not allowing this was in effect the day of town meeting and so the use is not allowed. Mr. Glennon said the board should take pride in this position, as the town saw solar arrays as an issue before it came up.

I.) Other Business:

Minutes

1/24/18 meeting, move to approve by Mr. Glennon as written. Mr. Uitti abstained, all others approved.

2/14/18, Mr. Glennon would like something added that they wish Diane well in her retirement and thank her for her service, Diane had left that out of the minutes. Mr. Glennon moved to approve the minutes with that modification and Ms. Ladd Fiorini provided a second, 3 a yes Mr. Wadsworth and Mr. Uitti abstained.

Ms. Massard said we are moving from the detailed word-for-word minutes which is much more elaborate than other boards and towns to a more standardized format. PAC TV can be asked for CD if needed.

2/28, move to approve by Mr. Uitti, Mr. Wadsworth provided a 2nd, while Mr. Glennon and Ms. Ladd Fiorini abstained.

Sat. 3/10 minutes meeting immediately before town meeting. Mr. Glennon moved to approve, Ms. Ladd Fiorini 2nd and Mr. Wadsworth and Mr. Uitti abstained.

Ms. Ladd Fiorini moved to approve Engineering Invoice #14862 and Mr. Wadsworth 2nd it, approved unanimously.

Adjournment

Move to adjourn meeting at 8:45 approved

Materials Reviewed

- ANR Plan- 50 Mullins Avenue- lots to be combined/ Lovendale LLC
- ZBA Referral, Special Permit: 46 Ocean Road North/ Urquhart
- Letter from Merrill engineers and Land Surveyors re definitive subdivision plan 232 Surplus St

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PLANNING BOARD MINUTES

Date: March 28, 2018

Page 6 of 6

- Email from Valerie Massard to John Cully Jr. dated 3/22/2018
- Email from Rick Grady to Valerie Massard; John Culy Jr. dated 3/22/2018
- Planning board covenant from JRM Investment Realty
- Certificate of Notification definitive subdivision Dogwood Drive dated November 8, 2017