



# Town of Duxbury

## Massachusetts

### Planning Board

TOWN CLERK

MAR 31 AM 11:09

DUXBURY, MASS.

### Minutes 3/8/2021

The Planning Board met on March 8, 2021 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](http://www.pactv.org/duxbury) for information about Duxbury programming. To watch replays of a meeting, visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) or to watch online visit PACTV's Video on Demand at [www.pactv.org/ondemand](http://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](mailto: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=R0NESWVKZ2JidmJTaDVleW5CZG52dz09>.

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

Absent: Jennifer Turcotte.

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

Mr. Casagrande called the meeting to order at 5:00PM.

### **Open Forum**

No one from the Board brought anything forward during the Open Forum.

### **ZBA Referral, Comprehensive Permit: The Village at Harlow Brook**

Mr. Casagrande said the Board has previously seen plans for this development. Mark Casey, from South Shore Consulting, said it is the same plan that the Board saw in the summer. Mr. Casey said chapter 40B requires that ten percent of the houses have three bedrooms. He said one of the three-bedroom homes is affordable.

Mounir Tayara, the applicant, said the information is the same that was reviewed in July, and they are now bringing this information to the Zoning Board of Appeals for a Comprehensive Permit.

Ms. Massard said the site is across from Isaac Village Farm. She said she walked the property with Mr. Tayara and the Town Assessor in the summer. She said the applicants met with staff several times before writing a site eligibility letter to the State and now they are applying for a permit.

Ms. Massard said the ZBA's public hearing is on Thursday, March 11<sup>th</sup> and will be opened and continued. She said all the Planning Board's comments were included in the site eligibility letter sent to the State.

Mr. Glennon asked if the affordable three-bedroom houses is a stand-alone unit. Mr. Casey said it is a duplex.

Mr. Glennon asked Mr. Casey to explain how senior-friendly the project is. He said one of the Town's main goals is to become more accessible for seniors who want to stay in Town. Mr. Casey said when they started the project, they considered making it a 55+ community, but that is difficult when creating a 40B development. He said the architecture lends itself to senior living, with Master suites on the first floor in most of the units. Mr. Tayara said the units mostly have two bedrooms, which appeals to residents wishing to downsize but stay in Town. He said the development is age inclusive.

Ms. Ladd Fiorini said the Planning Board and Board of Selectmen previously showed interest in having more than 10 units be affordable. She asked if there is any wiggle room in the amount of affordable units. Mr. Casey said they will discuss this with the Zoning Board of Appeals, but they are leaning towards offering more moderately-priced units. Mr. Tayara said the nature of the two-bedroom units will lend themselves to more affordability. Mr. Casagrande agreed that the design will lend itself to more affordability.

Motion: Mr. Glennon made a motion to defer the Comprehensive Permit request of the Village at Harlow Brook to the ZBA, reiterating the points made in the Planning Board memo to the Board of Selectmen dated July 30, 2020. Mr. Wadsworth provided a second.

Vote: Mr. Glennon – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; Mr. Uitti – Aye; Ms. Ladd Fiorini – Aye; and Mr. Casagrande – Aye.

**ZBA Referral, Appeal of Building Inspector's Determination: 401 Washington Street**

The building is located on the Island Creek Oysters site. Mr. Casagrande said asked if the denial of a building permit for a manufacturing distillery was based on the agricultural use of the property. Ms. Massard said since Duxbury has a prescriptive bylaw, projects must fit into the uses that are listed in the bylaw. She said the site has agricultural and educational uses on the site.

Mr. Casagrande said most everything in Town is zoned residential. He said the Town changed the zoning a few years ago, so the site's zoning district was changed from NB-light to NB-1. He said the idea of a brew pub, tap room, or distillery is not something that the bylaw addresses right now. Chris Andrew, the applicant, said he wants to use the industrial building on the Island Creek Oysters site as a distillery, but the deck or retail area is not necessary if that is what is inhibiting the building permit.

Mr. Glennon noted that the application appears to refer to the wrong zoning district, and recommended that the applicant revise his application as may be necessary.

Mr. Glennon asked about other uses on the property, such as the salt works, and whether these other uses operate under exemptions. Ms. Massard said that the oyster bar and salt harvesting are considered agricultural, so they are exempt from zoning, although a special permit was also secured for the oyster bar.

Mr. Glennon suggested that the applicant may want to consider applying for a use variance rather than pursue the appeal. Mr. Casagrande said the building is built to handle this type of business. Ms. Massard said the Town always tries to creatively use existing structures.

Mr. Andrew asked the Board on their opinion on what to prepare for the ZBA meeting. Mr. Casagrande said a distillery is not a use currently listed in the bylaw, but the applicants can request a use variance. He said they could point out that the building is virtually meant for this use.

Mr. Andrew said he has received positive feedback from abutters about the idea of a distillery. Mr. Glennon asked if there would be any smell that would affect the neighbors. Mr. Andrew said there is a sweet smell that would only stay in the building, and the process is silent.

Mr. Glennon said that the Building Inspector was correct in his decision since the use is not allowed under the bylaw.

PLANNING BOARD MINUTES

Date: March 8, 2021

Page 4 of 4

Motion: Mr. Glennon made a motion to recommend against the appeal, and in favor of the building inspector's determination for a distillery at 401 Washington Street, noting that the applicants may be applying for a use variance in the future. Mr. Uitti provided a second.

Vote: Mr. Glennon – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; Mr. Uitti – Aye; Ms. Ladd Fiorini – Aye; and Mr. Casagrande – Aye.

**Minutes**

Motion: Mr. Glennon made a motion to approve the minutes from February 22, 2021 as written. Ms. Ladd Fiorini provided a second.

Vote: Mr. Glennon – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; Mr. Uitti – Aye; Ms. Ladd Fiorini – Aye; and Mr. Casagrande – Aye.

**ADJOURNMENT**

Motion: Ms. Ladd Fiorini made a motion to adjourn at 5:38PM. Mr. MacDonald provided a second.

Vote: Mr. Glennon – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; Mr. Uitti – Aye; Ms. Ladd Fiorini – Aye; and Mr. Casagrande – Aye.

*The next Planning Board meeting will take place on Monday, March 22, 2021 at 5:00 PM via Zoom.*

Materials reviewed at the meeting:

- March 8, 2021 Agenda
- ZBA Case #2021-06: The Village at Harlow Brook
  - Application
  - Drainage Calculations & Stormwater Management Plan
  - Hydrogeologic Assessment & Nutrient Loading Analysis
  - Transportation Impact Assessment
- ZBA Case #2021-05: 401 Washington Street
- February 22, 2021 Minutes