



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2021 APR 28 AM 9:50
DUXBURY, MASS.

Minutes 4/12/2021

The Planning Board met on April 12, 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 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=R0NESWVKZ2JidmJTaDVleW5CZG52dz09>.

Present: Scott Casagrande, Chair; Brian Glennon, Vice-Chair; David Uitti, Clerk; Keith MacDonald; Jennifer Turcotte; and George Wadsworth.

Absent: None.

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

Mr. Casagrande called the meeting to order at 5:02PM.

Open Forum

Ms. Massard told the Board that Kristin Rappe is listening in on the meeting. Mr. Casagrande said the Planning Board is looking for people interested in joining the Planning Board. He said Kristin Rappe was one of the liaisons who helped with the Comprehensive Plan. Mr. Casagrande said that consistent with prior practice, the procedure for the open position is to post an advertisement and hold a joint meeting with the Planning Board and the Board of Selectmen. Ms. Massard said staff will put an advertisement in the Clipper to run for two consecutive weeks.

Planning Board Reorganization

Mr. Casagrande noted that there is one change to the Board's composition since the Annual Town Election. Ms. Ladd Fiorini was elected to the Board of Selectmen and has resigned her seat on the Planning Board. He said the Board needs to elect the Chair, Vice-Chair, and the Clerk.

Motion: Ms. Turcotte nominated Mr. Casagrande to serve as Chair. Mr. Glennon provided a second.

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

Motion: Mr. Uitti nominated Mr. Glennon to serve as Vice-Chair. Mr. MacDonald provided a second.

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

Motion: Mr. Uitti nominated Mr. MacDonald to serve as Clerk. Mr. Glennon provided a second.

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

Mr. Casagrande said there are several committees on which Planning Board members are asked to be liaisons. Mr. Wadsworth suggested that the Board wait to select committee assignments until the new Board member is appointed to fill the current vacancy. Ms. Massard said the Board could have a temporary appointment until the new Board member is elected if it felt the matter was urgent. Mr. Glennon said the Board could defer committee appointments until the new Board member is sworn in.

Mr. Casagrande told the Board to think about what committees they would be interested in joining. Mr. Casagrande said the Community Preservation Committee (CPC) is an important committee that Cindy was involved with and is a large commitment. Mr. Wadsworth said he is interested in the Committee.

Ms. Massard said the Economic Advisory Committee only met once or twice in the past year. Ms. Massard said the EAC feels that they would like guidance from the Board of Selectmen on how to proceed. She said the Sidewalk and Bike Path Committee also feels that they need more guidance from the Board of Selectmen. Mr. Casagrande said now that the Selectboard has five members, hopefully they will be able to better divvy out their tasks and be more involved with the committees.

Ms. Massard said she attends Metropolitan Area Planning Council (MAPC) meetings and Old Colony Planning Council (OCPC) and she is the current Chair of the South Shore Coalition. Mr. Glennon said he has been on the Open Space Committee for several years and would be pleased to maintain his membership for another year if no other Board member is interested in the assignment.

Mr. Casagrande told the Board members to think about which committees interest them. He said he can check in with the Selectboard and let them know that the Sidewalk and Bike Path and Economic Advisory Committees feel that they need more of their involvement.

ANR Plan: 60 Long Point Lane

Kevin Dahlen was in attendance to answer the Board's questions about the plan. He said the property was owned by his late father, Shawn Dahlen, who wanted to protect the bay in front of his land. He said the purpose of the plan is to create a lot that will be gifted to Duxbury Bay Maritime School (DBMS) to protect the moorings and the rights to the water. Ms. Massard said attorney Kathy Muncey talked to her about the project and proposed process of using the ANR and Ms. Massard told her that an ANR plan would make sense to carve off the water from the house lot.

Mr. Glennon asked if the parcel being created is contiguous to property of DBMS. Mr. Dahlen said the land is not touching DBMS land. He said the lot extends to right in front of Long Point Marine. Mr. Glennon asked if DBMS will own the parcel for management purposes, and Mr. Dahlen confirmed.

Mr. Wadsworth asked why the line dividing the lots is not straight. Mr. Dahlen said the lot line follows the tidal flats on the property.

Mr. Casagrande asked if the Harbormaster sets the moorings. Mr. Dahlen said yes, it allows DBMS to leave the moorings where they want to.

Ms. Turcotte asked if the purpose of the ANR plan is to convey land or create a new lot. Ms. Massard said it is to create a new lot within the water, which will then be conveyed. Mr. Uitti said the ANR plan creates the lot and a deed is required to convey land. Mr. Glennon said normally for ANR plans, the Board requires that the new lots have frontage, but this parcel is

submerged and access is specifically intended by water, and not from a road. Ms. Turcotte said that since the new lot is not buildable, they do not need to have frontage.

Motion: Mr. Glennon made a motion to endorse the ANR plan. Mr. Uitti provided a second.

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

The Board expressed its appreciation to Mr. Dahlen for protecting the rights to the water.

ZBA Referral, Special Permit: 117 Chestnut Street

Mr. Casagrande said the applicants have asked to delay this agenda item until the next Planning Board meeting, but there are a few issues with the application that should be relayed back to the applicant before the meeting. He said the locus is in the Residential Compatibility (RC) District, but in the application they quote the requirements of the Neighborhood Business (NB) Districts. He said they also did not note setbacks in the write-up. Ms. Massard said she will discuss these issues with the ZBA's Administrative Assistant to discuss with the applicant.

ZBA Referral, Appeal: Lot 7 Ice House Road

Mr. Casagrande this filing is appealing the Building Inspector's determination to not issue a building permit for the site. Ms. Massard said she and Municipal Services Director, Jim Wasielewski, did a deep dive into this filing with respect to history of the lot. She said she took an inventory of tree removal that took place for the Building Department in the event that this information might be needed. The lot is in the Aquifer Protection Overlay District (APOD). She said the argument is that the lot is buildable because it had the correct amount of square footage before the Aquifer Protection Overlay District was amended. The Freeman Farms subdivision was approved in 1998. She said a line moved and the lot merged with a neighboring lot with the later change to the APOD. Ms. Massard said several unconstructed lots were recently conveyed to a new developer, who did some work without permission.

Mr. Casagrande said Lot 7 is the only one with the APOD issue. Ms. Massard said Town Counsel was brought in and helped Mr. Wasielewski make his determination, and at this point that is being appealed by the developer.

Mr. Casagrande said the APOD bisects the lot. Ms. Massard reminded the Board that the APOD is an overlay district, so the zoning rules are different than for regular zones. Ms. Massard said the majority of the lot is within the overlay district after a line moved, and that specific wording in the bylaw amendment to the Zoning Bylaw and how it affects pre-existing nonconforming lots is part of the legal issue as outlined by counsel.

Mr. Uitti suggested the Board defer to the ZBA. He said the argument from Galvin and Galvin is that grandfathering applies to all plans and Town Counsel's opinion is that it does not apply to subdivision plans. He said it is not the Planning Board's place to make an opinion on this matter.

Motion: Mr. Uitti made a motion to defer to the ZBA the Appeal of the Building Inspector's Determination for Lot 7 Ice House Road. Mr. MacDonald provided a second.

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

Planning Board Goals

Mr. Casagrande said Ms. Massard made a write-up of what is currently happening with the Planning Department and the several Boards and Committees it works with. A chart was also sent around with the agenda mailing that lists the Planning Board's priorities from 2016. Mr. Casagrande noted that Planning completed several of the items from the chart. He said the Board has completed the Comprehensive Plan, and now the Zoning Bylaw rewrite should be at the top of the priorities.

Ms. Massard said climate change planning is one of her top priorities. She said she is working on several grants related to sea level rise and climate change, which she is working on with several businesses in Snug Harbor. Ms. Massard said one of the biggest goals discussed in the Comprehensive Plan was increasing walkability and connectivity in Town, which she is hoping to address with the Complete Streets program to the extent that streets with layouts are wide enough, but there are challenges to using only this approach and more options are needed.

The Planning Board confirmed that the Zoning Bylaw recodification is their top priority for the upcoming year, followed by their second priority being split between Comprehensive Plan implementation and climate change planning. The members of the Board discussed that they primarily will only have time for zoning issues, which are significant, as volunteers; Mr. Uitti offered to help with smaller matters if they arise.

Invoices

Motion: Mr. Uitti made a motion to approve Amory Engineers, PC invoice #15571C in the amount of \$148.00 and invoice #15590D in the amount of \$555.00, both for Evergreen Terrace. Mr. Wadsworth provided a second.

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

Mr. Glennon asked Ms. Massard if there is anything notable about the current development activities at Evergreen Terrace. Ms. Massard said there was some pretty extensive grading. She

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said they put the binder down last week, and the homeowners abutting the site who were not happy with the development sold their lot to a new owner.

Minutes

Motion: Mr. Glennon made a motion to approve the minutes from March 22, 2021 as written. Mr. Uitti provided a second.

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

Other Business

Ms. Massard told the Board that a new filing for a subdivision came in last week, proposing to subdivide two existing lots into six lots.

Mr. Casagrande shared that, on behalf of the Board, he will be presenting a resolution to Ms. Ladd Fiorini acknowledging her many years of dedicated service to the Board. Members of the Board were in support of that gesture.

ADJOURNMENT

Motion: Mr. Wadsworth made a motion to adjourn at 6:17PM. Mr. Uitti provided a second.

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

The next Planning Board meeting will take place on Monday, April 26, 2021 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- April 12, 2021 Agenda
- 60 Long Point Lane ANR application and checklist
- ANR Plan entitled "Plan of Land Assessors Map 118-174-003 #60 Long Point Lane Duxbury, Massachusetts," prepared by Grady Consulting LLC, 71 Evergreen Street Suite 1 Kingston, MA 02364, and dated March 24, 2021.
- ZBA Case #2021-11: Lot 7 Ice House Road
- 2021 Planning Board Goal Discussion Write Up
- Amory Engineers Invoices #15571C and 15590D
- Draft Minutes March 22, 2021