



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2020 JUL -1 AM 11:45
DUXBURY, MASS.

Minutes 6/1/20

The Planning Board met on June 1, 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. For this meeting, members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15 – which will be available via video on-demand through PACTV's website <https://www.pactv.org/pactv/towns/duxbury/duxbury>

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.

No emails or calls were received regarding the meeting.

Present: Scott Casagrande, Chairman; Brian Glennon II, Vice-Chairman; David Uitti, Clerk; Cynthia Ladd Fiorini; Jennifer Turcotte; and George Wadsworth. Also participating was Keith MacDonald, the sole candidate on the ballot for the seat vacated by John Bear, whose term expired in March.

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

Mr. Casagrande called the meeting to order at 5:03PM.

*Some of the agenda items were taken out of order. The minutes reflect items in the order they appear on the agenda.

5:10 - Public Meeting: Administrative Site Plan Review/ZBA Referral - 421 Elm Street (Cell Tower)

Mr. Francis Parisi, attorney representing Vertex Tower Assets, and Mr. Scott Adams, civil engineer, were in attendance to discuss the proposed project.

Mr. Parisi explained that a cell tower facility was originally permitted on this site, approved by the Planning Board and the Zoning Board of Appeals, in 2011. He said that the height of the currently-proposed facility was increased by 20 feet to accommodate for technological advancements. He explained that it is a monopole structure with a fenced-in compound at the base. Mr. Parisi added that there is a new applicant. Ms. Massard said that the previous filing had been extended a couple of times and the cell tower location had been renewed as recently as 2016, but has since expired.

Ms. Massard said that Mr. Patrick Brennan of the Town's engineering consultant, Amory Engineers, reviewed the current filing, and there was concern that, because of its height, the tower poses a risk of falling into the highway because of its proximity to the site. Mr. Casagrande asked how close the tower will be to Route 3. Mr. Parisi said that it is about 114 feet from the travel lane, and the site is right against the property line of Route 3. He said that the poles are designed not to fall over from the base. Mr. Adams said that it is 115 feet from the edge of pavement. He said that the towers are designed to buckle and collapse onto themselves, rather than tip over entirely. He said that the structures are built to satisfy building code and national power codes, and that a reasonable fall height is about half the height of the tower. Ms. Massard suggested that the applicant respond to Mr. Brennan's concerns in writing with an engineer's stamp to that effect for the two boards (Planning and Zoning Board of Appeals), the applicant agreed to this as a condition of approval.

Mr. Casagrande asked about the height of the fence and if they are seeking a waiver for vegetation around the fence. Ms. Massard said that Mr. Brennan of Amory Engineers mentioned that the applicants should be looking for a waiver for the visual buffer, but Mr. Brennan believes that the fencing shown in the plans should be sufficient. Mr. Parisi said that their standard fencing is six feet tall, but they can amend their plans or add vegetation and eight-foot fencing as a condition of the Administrative Site Plan Review. He said that he takes the position that there is already vegetation in the area and planting a vegetated buffer is not required.

Ms. Ladd Fiorini asked how far the structure is from the home on the property. She also asked if the homeowners can see the tower from their property. Mr. Parisi said that they have entered into a lease agreement with the homeowners and they have not requested an additional buffer. Ms. Massard suggested the applicants could bring photographs for the boards to demonstrate the view for the homeowners. Mr. Parisi said that the homeowners were shown the plans, and that they will try to get their approval in writing. Ms. Massard confirmed that on the original cell tower approval (prior applicant), and 8-foot fence with no vegetation was approved.

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Mr. Parisi said that photo simulations of the site using balloons to show height were performed, in which you can see dense vegetation. He said that these photo simulations were given to the ZBA, but can also be provided to the Planning Board if necessary.

Mr. Casagrande said that he would feel comfortable having the fence height at the required height of 8 feet, along with vegetation as conditions of the ASPR decision. Mr. Adams asked if a letter from the homeowners would be sufficient for the Board rather than having to come back for a waiver of vegetation, Mr. Casagrande agreed that this would be adequate if the homeowners do not seek additional vegetation to screen their view.

Mr. Glennon asked about the structure at the top of the pole, which had been referred to in various documents as either a lightning rod or a whip antenna, and asked whether it is counted towards the total height of the pole. Mr. Parisi explained that the structure is a lightning rod that it is not included in the total height (120 feet) of the pole.

Mr. Glennon noted that there are proposed locations for additional antennae on the pole and asked if those would require additional equipment cabinets at the base. Mr. Adams said that there is a proposed 10' by 20' lease area for cabinets within the fenced-in area, which includes space for four companies. He said that carriers can do whatever they want within the fenced-in compound. Mr. Glennon asked if it would be worthwhile to build one larger shelter for all companies to use, rather than multiple separate equipment cabinets. Mr. Adams said that many companies are moving away from the larger shelters and moving towards individual cabinets for each company. He also said that it will be easier to maintain individual cabinets.

Mr. Glennon asked if the applicants had considered the monopole that the Town is building at the police station. Mr. Parisi said that the pole is designed to fill in a small hole along Route 3, and the police station monopole was taken into account.

Mr. Casagrande said that he would like to see an 8-foot fence and more vegetation is not necessary because the pole is not easily visible from the street or the homeowner's property. Ms. Massard said that it is not necessary to record the administrative site plan review.

Motion: Mr. Glennon made a motion to approve the site plan as written with the following recommendations:

- Fence height around the facility be increased to 8 feet.
- Applicant provide vegetation to be planted around the outside of the fenced-in area or provide verification that it is not necessary via correspondence from the property owner (note that previously approved cell tower at this location did not require landscaping).
- Applicant to provide stamped letter from Engineer explaining that the cell tower is built to collapse onto itself as depicted in the plans.

Ms. Ladd Fiorini provided a second.

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

Motion: Ms. Turcotte made a motion to recommend favorably to the ZBA the Special Permit/Variance request with the same conditions. Ms. Ladd Fiorini provided a second.

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

5:30PM - Public Meeting: Administrative Site Plan Review/ZBA Referral - 116 Tremont Street

Mr. Freeman Boynton of Duxbury Construction, LLC, Mr. Scott Brown of BrownBuilt Construction Corp., and Mr. Bob Crowell, civil engineer, PE, were in attendance to discuss the proposed project.

Mr. Boynton explained that Mr. Brown purchased the property six months ago. He said it is the old Conway Real Estate building between South Shore Cabinets and Branca Dentistry. The site consists of about a half-acre in the Neighborhood Business 1 (NB1) district. He said that they plan to demolish the existing structure and build a mixed-use building.

Mr. Boynton said that they plan to have offices on the first floor and apartments on the second floor. There will be on-site septic, valley have been designed to handle the stormwater, and there will be 27 parking spaces including 2 handicapped spots made of impervious pavement rather than crushed gravel. Mr. Casagrande said that he prefers parking lots not to be gravel. Ms. Massard said that Amory Engineers, PC felt as though all the issues discussed in their review letter were addressed in their revised plans.

Mr. Glennon noted that there is a timber retaining wall in the plan and asked whether the wall is existing or proposed. Mr. Boynton said that the retaining wall is proposed; it is a couple of feet high and no fence is needed.

Mr. Glennon asked how water is treated that goes through impervious pavement as opposed to gravel. Mr. Casagrande said that he believes there is treatment under the pavement. Mr. Glennon said that this is why the Board needs to address coverage in the Zoning Bylaw, and said it is costly for two different kinds of pavement. Mr. Boynton said that the water is treated the same way as gravel parking areas. He said that Mr. Pat Brennan did not want water percolating too fast through the asphalt and gravel beneath, so they decided it would make the most sense to put down typical road base material.

Mr. Glennon asked about snow storage. Mr. Boynton said that the snow will go to the end of the parking lot, referencing Page 3 of the plans. He said there are two fairly large areas right in front of the retaining wall where the snow will go. Ms. Turcotte said that it is noted on the plan.

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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.

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Mr. Wadsworth asked about the coverage percentage. Mr. Boynton said that the site is proposed at just under 50 percent, and the site is currently 43.5 percent.

Mr. Casagrande said that the parking is more advanced than what the Board normally sees and there are two handicapped spots. He also reiterated that everything Amory Engineers had noted in their review was addressed by the applicants.

Motion: Ms. Ladd Fiorini made a motion to approve the administrative site plan review as presented. Mr. Uitti provided a second.

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

Motion: Ms. Ladd Fiorini made a motion to recommend favorably to the ZBA the Special Permit request. Ms. Turcotte provided a second.

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

ZBA Referral - 10 Pine Point Place

Ms. Jessica Williams of Williams Design Studio was in attendance to discuss the proposed project.

Mr. Casagrande said that the proposal is something that is typically seen in this area. The proposal is to raze the cottage and build a new building to be consistent with flood codes. He noted that the cottage has a lot of pre-existing non-conformities. Ms. Massard noted that the area is struggling from damage caused by storms, storm surge/over-topping, and sea level rise.

Ms. Williams explained that the existing house is sinking into the marsh, so the proposal is to tear it down and rebuild it on pilings. She said that the main living floor will be on the second floor and the first floor is the entrance. Ms. Williams said that they decided to simplify the structure in revised plans and were able to reduce square footage by a few inches on the marsh side and on the neighbor side. She said that water will be allowed to flow underneath the building since it will be built on pilings. She also said that a percentage of the property is part of a road. Ms. Williams said that it is planned to be a net zero house, the goal is to not use energy for throughout the year. She explained that the flat roof allows for solar panels and natural vegetation and the roof overhang creates passive solar design.

Mr. Casagrande asked about the other structure on the property. Ms. Williams explained that it is a small cottage and they are not proposing to remove it.

Mr. Glennon asked Ms. Williams to explain the applicant's representation that the proposed house will be situated so as to preserve the neighbor's view. Ms. Williams explained that the

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neighbor to the North of the property reviewed the plans, and he has a large family room in the back of his house with a view of the marsh to the West. So, they decided to push the house closer to the street in order to preserve the abutter's view of the marsh. Ms. Williams showed architectural plans of the neighbor's house and how this was designed.

Mr. Glennon noted that there is existing but limited parking in the front of the building and asked if there is any parking proposed for under the building or on the street. Ms. Williams said that the parking is not changing from the current parking situation and about three cars can fit.

Mr. Casagrande said that this proposed plan is typical for the area. He also said that the setbacks have improved slightly in the revised plans. Ms. Williams said that they do not have the official calculations, but the North side is getting back a little under a foot and the South is getting back about seven inches, with the building staying the same in the East to West direction.

Mr. Casagrande asked if there was any consideration for shrinking the other small structure on the property. Ms. Williams said that it was considered, but they decided against removing it. She said it is not a rental.

Motion: Mr. Glennon made a motion to defer to the ZBA the Special Permit request.

Ms. Massard said that the design is an improvement over existing conditions as the structure will allow water to flow underneath the building and is an improvement to the neighborhood, because in the event of storms and flooding less damage will be caused to surrounding properties.

Ms. Turcotte said that the design was created considering neighboring properties rather than the applicant alone.

Ms. Ladd Fiorini provided a second.

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

Bay Farm Montessori Middle School Renovations

Mr. Joe Lanza was in attendance to discuss the project.

Mr. Lanza said that the middle school is the building closest to Park Street. He said that the building was built as a house in the early 1950s and it is a gut renovation. He said that part of what is now the school building is an old enclosed porch will be demolished and turned into a large classroom. He said that it is not something you would see from the street. He also said that a ten-foot wide porch will be added.

Ms. Ladd Fiorini asked if they are adding a second floor. Mr. Lanza said that it is existing. He said that everything shown on the plans are existing except for the porch.

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Ms. Massard said that the project is exempt from zoning because it is an educational use, but they agreed to give the Planning Board an opportunity to see the plans.

Mr. Glennon asked about the “mystery timbers” that are referenced in the roof line on page F2.2 of the plans. Mr. Lanza explained that the ceiling is partially vaulted and there are two beams on the ceiling and you cannot see what is happening above them. He said that they appear to be decorative.

The Planning Board did not have any issues with the plans as presented.

McLean’s Way

Ms. Massard explained that the Mylar as-built plan for the subdivision was accepted by Amory. She said that the lots were released previously and the Board will vote upon certifying the completion of the subdivision and releasing funds. Mr. Glennon asked how many lots were left for development. Ms. Massard said that all the lots are finished.

Motion: Mr. Glennon made a motion to accept the as-built plan and release the escrow funds after paying the last Merrill engineering invoice. Ms. Turcotte provided a second.

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

Invoices

Motion: Ms. Ladd Fiorini made motion to approve Merrill Corporation invoice #9465 in the amount of \$1,125.00 for McLean’s Way. Mr. Wadsworth provided a second.

Mr. Glennon noted that the bill seemed vague, and asked Ms. Massard if the hours reported in the invoice are reasonable. Ms. Massard said that the invoice includes a number of correspondences as well as field work. Mr. Glennon requested that Ms. Massard ask for more detailed information from the engineer. The Board will reconsider this matter once a more detailed invoice is submitted.

Minutes

Motion: Mr. Glennon made a motion to accept the minutes from May 11, 2020 as written. Ms. Ladd Fiorini provided a second.

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

Other Business

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With respect to COVID, Ms. Massard told the Board that the facilities staff has put up plexiglass barriers in the town offices. She said that there are no plans to reopen Town Hall to the public yet. Staff has started working in staggered shifts at 25% capacity for each department, but they are encouraged to continue working remotely.

Ms. Massard said that the Town may move Town Meeting. She also said that there is currently legislation being drafted which may allow the Selectmen to adopt FEMA flood zone maps.

Ms. Massard told the Board that there will be a public hearing on a new subdivision filing on June 29th at 5:05PM and Ms. Amy Kwesell's recommendations on zoning recodification, if available, will also be discussed at the meeting. Mr. Casagrande requested that Ms. Kwesell's edits be sent to himself or Mr. Uitti, so they can share with citizens who want to provide their input.

Ms. Massard said that the town's construction company for seawall repairs is currently staging for doing the repairs this summer.

ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 6:58PM. Mr. Uitti provided a second.

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

The next Planning Board meeting will take place on Monday, June 29, 2020 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- Agenda June 1, 2020
- Public Meeting Notices: 421 Elm Street & 116 Tremont Street
- ZBA Case Files #2020-1, #2020-2, & #2020-3
- 116 Tremont Streets Revised Plans
- Amory Review Letters: 421 Elm Street & 116 Elm Street
- Merrill Invoice #9465
- McLean's Way: Performance Security Estimate, Recorded Covenant, & Release of Lots Under Covenant