



Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

Minutes 06/13/18

The Planning Board met on Wednesday, June 13, 2018 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room.

Present: Scott Casagrande, Chairman; Dave Uitti, Vice-Chairman; Cynthia Ladd Fiorini, Clerk; and George Wadworth.

Absent: Jennifer Turcotte, John Bear, and Brian Glennon.

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

Meeting was called to order at 7:03 PM by Mr. Casagrande.

OPEN FORUM

Ms. Ladd Fiorini presented the board members with a thank you note from Diane Grant. A new planning staff member, Administrative Assistant Ashley MacMillan, was introduced to the board.

A. ZBA REFERRAL FOR SPECIAL PERMIT - McLaughlin 685 Washington Street pier:

Ms. Massard introduced an overview of the proposed project- the construction of a new residential pier. The applicant, Mr. John McLaughlin of 685 Washington Street, is seeking a special permit from the Zoning Board of Appeals. For the purpose of the Planning Board meeting, Ms. Massard recommended that members focus on the zoning bylaws and clarified which sections are relevant to this project. Ms. Massard stated that upon review, she found the plans appear to be conforming to the bylaws with the exception of the platform. Ms. Massard pointed out that the proposed platform/float is larger than the size allowed in the bylaws. Ms. Massard recommended that the ZBA will also review other information as required in the bylaw relative to the environmental impacts of the construction. When there are discrepancies, the building code supersedes the zoning bylaw.

Mr. Paul Brogna, the designing engineer of the pier, stated that the dimensions are consistent with the "normal residential piers" in the area. Mr. Brogna stated that the proposed pier is slightly smaller and within the proper dimensions of the zoning bylaws, and that the size of the float has been reduced to fit the laws. Mr. Brogna advocated that from an aesthetic viewpoint, the pier will be consistent with other piers in the Blue Fish River.

Ms. Ladd Fiorini asked for clarification on the distance between the beginning of the pier and the back of the house, to which Mr. Brogna responded that it will be approximately 10.5 ft. to 11 ft. Ms. Ladd Fiorini questioned if there is a 15 ft. minimum in the bylaw. Ms. Massard clarified that the 15 ft. distance refers to abutting property lines, rather than the residence on the subject property.

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Mr. Casagrande asked if there is a requirement that the float lands in open water, as the tidal river has a tendency to run dry at times. Mr. Brogna stated that the float cannot land in the salt marsh at any time, and the pier is designed to be 2 ft. above the salt marsh to allow flow.

Ms. Ladd Fiorini pointed out that on page 5/8 of the plan; the design shows 2 hand-rails on the last bend of the pier. The zoning bylaw specifies a 1 hand-rail limit. Mr. Brogna thanked Ms. Ladd Fiorini for her observation and stated that he will change the plan to include only 1 hand-rail.

Mr. Wadsworth asked for clarification on the difference between a platform and a float. Mr. Brogna clarified that a platform is a permanent structure whereas a float is a seasonal, removable structure. The McLaughlin's have opted to remove the platform from the design in favor of a seasonal float.

Motion: Mr. Utti made a motion to defer this proposal to the Zoning Board of Appeals contingent on the change of the previously mentioned hand-rails. Mr. Casagrande provided a second.

Vote: Unanimous, 4-0.

B. CERTIFICATE OF COMPLETION - 35 Olde Pasture Road (Cushing's Retreat):

The Board reviewed the as-built conditions plan of 35 Olde Pasture Road (Cushing's Retreat) provided by builder Joe Cuddahy. Ms. Massard stated that she has reviewed the site, and has an inspection report provided by Amory Engineers, Inc., stating that the paving/top coat are compliant with the Planning Board requirements. Ms. Massard advised that now that the Board has received the As-Built plans, they can sign off on the lot release and release of funds.

Mr. Wadsworth asked about the drainage of the lot. Ms. Massard stated that there is a swale to bring water to the drainage and upon inspection; it has found it sufficient by the inspection engineers. It was built when the road was graded and set up with the base coat.

Motion: Ms. Ladd Fiorini made a motion to distribute 1.) a certificate of completion to the developer (Brad Cushing) and the builder (Joe Cuddahy), 2.) the Lot Release from the covenant, and 3.) to release any remaining funds. Mr. Utti provided a second.

Vote: Unanimous, 4-0.

C. ANR PLAN - Church Street (Map 88 Parcel 22-000):

Ms. Massard clarified the scope of the ANR plan for Church Street (Map 88 Parcel 22-000)- to carve off a parcel of land as a restriction area for a land acquisition which requires two separate types of restrictions. Plan was drawn by Land Planning Inc., and dated February 13, 2018. The purpose of this plan is for the possibility of a future land swap with the water department, relative to Article 97.

Motion: Ms. Ladd Fiorini made a motion to authorize the ANR plan for Church Street (Map 88 Parcel 22-000), and Mr. Utti provided a second.

Vote: Unanimous, 4-0.

D. ACCESS DETERMINATION - 7 Modoc Street:

Ms. Massard provided an overview of the access determination project: a previously "Not a Buildable Lot", by way of unsuitable access, was improved and inspected for a proposed access determination. The proposed lot is located at 7 Modoc Street. The owner, Freeman Boynton, has made significant improvements to the road by widening, leveling, grading, clearing sight lines, and providing drainage and a suitable turnaround. A site inspection was performed by the Fire Department, Building Director, and Planning Director, and all inspectors found the access to the proposed building location to be adequate for the construction of a single family dwelling and the road improvements for access to be adequate for the same.

Mr. Wadsworth questioned the responsibility of the access improvements. Ms. Massard answered that because the road is private; the property owners are solely responsible to maintain safety views and access. Mr. Wadsworth also inquired about the grade of the driveway for access reasons, to which Ms. Massard stated that the grade was not too steep to cause an access issue.

Ms. Ladd Fiorini inquired about the possibility of parked cars using adjacent conservation land area blocking the access. Ms. Massard suggested that should that become a problem, potential signage could be posted to ban the parking of cars in that area; however, the area for turnaround and subject of Ms. Fiorini's concerns is a gated drive/road and not suitable for parking.

Mr. Wadsworth pointed out that the 1978 Planning Board found the access determination to be inadequate due to the road being too narrow. Ms. Massard stated that this is why the access is being brought to the Planning Board, which is the process that has been the standard in Duxbury, to review the significant improvements that have been implemented since then (road widening) that have presently been found to be adequate for access as previously described.

Motion: Ms. Ladd Fiorini made a motion to find Lot 7 to be a buildable lot due to access being determined adequate, and Mr. Uitti provided a second.

Vote: 3-1, with Mr. Wadsworth being opposed.

E. OTHER BUSINESS:

Engineering Invoices:

Motion: Mr. Uitti made a motion, and Ms. Ladd Fiorini provided a second, to pay the following Amory Engineers invoices dated 6/1/18:

- Invoice #14924C in the amount of \$241.50 for the services related to the DYC pool.
- Invoice #14924B in the amount of \$138.00 for the services related to Cushing's Retreat.

Vote: Unanimous, 4-0.

Miscellaneous:

Ms. Massard reported that the town had its first meeting with Steve Cecil regarding the Hall's Corner revival project.

PLANNING BOARD MINUTES

Date: June 13, 2018

Page 4 of 4

Ms. Massard mentioned that picture of Barbara Bartlett was featured in The Clipper representing the town to receive the first grant from the Green Energy Program to fund the school's thermostat improvement project.

Mr. Uitti thanked Ms. Massard for attending the Business Association Meeting on her own time last week.

F. ADJOURNMENT:

Motion: Mr. Uitti made a motion to adjourn at 7:52 PM, and Ms. Ladd Fiorini provided a second.

Vote: Unanimous, 4-0.

Materials reviewed at the meeting:

ZBA Referral packet for McLaughlin Pier with copy of applicable zoning for design of pier and staff report reviewing this section.

As-built plan for Cuddahy's house and Olde Pasture Road.

Amory Engineers inspection report for Olde Pasture Road.

Staff report regarding access for Modoc.

Amory Engineers invoices as described.