



# Town of Duxbury Massachusetts

## Planning Board

TOWN CLERK  
2020 OCT -6 AM 9:01  
DUXBURY, MASS.

### Minutes 9/14/20

The Planning Board met on September 14, 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](mailto:duxburyplanningboard@gmail.com).

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

Absent: George Wadsworth.

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

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

### **Open Forum**

Mr. Glennon said that there was a quote in last week's Clipper attributed to him, which he clarified.

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Ms. Ladd Fiorini made reference to the educational program list that Ms. Massard recently sent out and asked if the members had to pay for their own tuition. Ms. Massard said the Town has money in the budget to pay for the programs if Board members were interested in participating in them.

Mr. Casagrande noted that he had a scheduling conflict and would have to depart the meeting early, and that Mr. Glennon would chair the meeting thereafter.

\*Some of the agenda items were taken out of order. The minutes reflect items in the order they were discussed at the meeting.\*

### **Zoning Recodification: Amy Kwesell (KP Law, P.C.)**

Mr. Casagrande said the Table of Uses in the Zoning Bylaws needs to be updated. He said that Ms. Kwesell sent the Board uses from other Towns that Duxbury could adopt.

Mr. Casagrande said the use table that was proposed as Article 25 on the Town Meeting warrant is a good template, and Board members should start thinking about what uses need to be added and edited. Ms. Kwesell said the use table the Board was sent is the most recent version from October 2019. She said a number of individually-listed uses can be combined. She said language such as “or similar trade” should be removed because it leaves things up to unnecessary interpretation. She said each “or similar” use can be specifically identified.

Ms. Kwesell said municipal uses are not currently in the zoning use chart. She said other towns are listing municipal uses and saying “Yes” across the board. She said recreational uses are not addressed a lot. She said new uses that are not addressed include short-term rentals/Airbnb’s and brew-pubs. She said she provided examples of two Towns use charts: Kingston and Salisbury. She said Kingston recodified its entire zoning bylaw in 2019, and Salisbury amends its use chart at almost every Town Meeting. Mr. Casagrande said in terms of recreational uses, his concern is that people would try to shoehorn any recreational activity.

Ms. Kwesell said Airbnb’s should be regulated by zoning. Mr. Casagrande said the bylaws address Bed & Breakfasts and home occupations. Ms. Kwesell said a special permit from the Board of Selectmen and a food permit is needed for Bed & Breakfasts, which are different than the requirements for Airbnb’s. Ms. Ladd Fiorini suggested short-term rentals be added to the Bed & Breakfast section. Mr. Casagrande said short-term rentals could be sectioned off of the Bed & Breakfast section.

The Planning Board discussed uses that need to be revised or added to the use chart, such as garage door limits, use of trailers, (oyster) farm stands, commercial vehicles, storage facilities and commercial drone operations. Mr. Uitti suggested that if members have things they want added or edited, to write them down and give them to Ms. Massard, Mr. Casagrande or himself.

\*Mr. Casagrande left the meeting at 5:45PM, and Mr. Glennon chaired the meeting from this point.\*

**ZBA Referral, Special Permit: 59 Ocean Road (ZBA Case #2020-12)**

The applicant's representative, Ms. Jessica Williams, showed the Board pictures of the existing house. She said the houses in the area are close together and raised up. She said the proposal is to tear down the existing house and rebuild, raising the house on pilings to meet FEMA code. They will be adding a screened-in porch on the lower level and roof overhangs. She said they are not changing the footprint of the house.

Mr. Uitti asked why a special permit is needed. Ms. Williams said it is pre-existing, non-conforming in the setbacks, they are increasing the volume of the structure of the setback and increasing the area in terms of zoning (under roofed-condition). Mr. Uitti asked if they are reducing the non-conformity in the setback. Ms. Williams said yes, they are reducing the side setback encroachment by a few inches.

Mr. Glennon asked the applicant to describe the proposed footprint. Ms. Williams said the second floor will have a smaller footprint with a larger deck and the lower level will have a larger footprint with a smaller deck. Mr. Glennon noted that the house is very close to the neighbors and asked if the applicant proposes any special materials for fire safety. Ms. Williams said they will use materials that meet fire code.

Motion: Mr. Uitti recommended approval to the ZBA of the Special Permit request of 59 Ocean Road. Ms. Turcotte provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Uitti - Aye; Mr. MacDonald - Aye; and Mr. Glennon - Aye.

**ZBA Referral, Special Permit: 349 Washington Street (ZBA Case #2020-11)**

Ms. Williams was the applicant's representative for this project, as well. She noted that there is a detached one-story garage that is crumbling, so they will tear it down and build an entirely new garage to match the style of the house. She said it is a pre-existing non-conformity in the setback. She said there is an existing driveway and they plan to shift the door on the garage from the West side to the East side. She said the new garage will have the same width and offset from the neighbor's yard as the existing garage. She said there is no intention to use the garage as a living space, but the new second floor would be used as storage and an artist's studio.

Ms. Ladd Fiorini asked if there is any way of trying to decrease the non-conformity. Ms. Williams said she discussed it with the applicants, but the second floor of the house has a view of water and the homeowners are afraid of losing that view if the garage is moved out of the setback. Ms. Ladd Fiorini asked if they are making the garage higher in elevation than the existing structure. Ms. Williams acknowledged that they are increasing the volume of the

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structure. Ms. Ladd Fiorini asked if they could reduce the non-conformity if the structure was moved closer to the house and do not add a second floor. Ms. Williams said the homeowners do not like the architecture of the existing structure. Mr. Glennon said that it appears that they are doubling the volume of the structure. Ms. Williams said yes, the area stays the same but the volume is increasing in the setback because of the additional height.

Mr. Glennon asked about the neighbor's garage behind the structure. Ms. Williams said the neighbor's garage will likely be taller than the newly-built garage. Mr. Uitti said that the ZBA would be better at analyzing this project because the overall volume is doubling. Mr. Glennon noted that in the case of a tear-down, there is always an opportunity to reduce the non-conformity.

Motion: Ms. Ladd Fiorini made a motion to defer to the ZBA the special permit filing of 349 Washington Street. Mr. Uitti provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Uitti - Aye; Mr. MacDonald - Aye; and Mr. Glennon - Aye.

### **Other Business**

Ms. Massard said the next meeting is September 21<sup>st</sup> but there are no upcoming items except administrative items.

Mr. Uitti asked members to send any edits to the zoning recodification rough draft to Ms. Massard, Mr. Casagrande, or himself. Ms. Massard encouraged the public to do the same.

### **ADJOURNMENT**

Motion: Ms. Ladd Fiorini made a motion to adjourn at 6:25PM. Mr. Uitti provided a second.

Vote: Ms. Turcotte - Aye; Ms. Ladd Fiorini - Aye; Mr. Uitti - Aye; Mr. MacDonald - Aye; and Mr. Glennon - Aye.

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

Materials reviewed at the meeting:

- Agenda August 24, 2020
- ZBA Case #2020-11 (349 Washington Street)
- ZBA Case #2020-12 (59 Ocean Road)
- KP Law: Zoning Recodification - Attachment A (Article 25)
- KP Law: Zoning Recodification - Use Chart Sample 1
- KP Law: Zoning Recodification - Use Chart Sample 2

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