



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2020 NOV 19 AM 10:00
DUXBURY, MASS.

Minutes 10/19/20

The Planning Board met on October 19, 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. 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 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, Chairman; Brian Glennon, Vice-Chairman; David Uitti, Clerk; Keith MacDonald; Cynthia Ladd Fiorini; and George Wadsworth. *See notations - several members had scheduling conflicts and technical access issues, while all actions of the Board had a quorum present (4 members).

Absent: Jennifer Turcotte.

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

Since Mr. Casagrande was absent and would be joining the meeting late, Mr. Glennon called the meeting to order at 5:24PM and apologized for the late start to the meeting, noting that the Board did not have a quorum at the scheduled start time.

Open Forum

No one from the Board or staff brought anything forward in the open forum.

ANR Plan: 7 Seabury Point

Deborah Keller, Merrill Engineers and Land Surveyors, was in attendance representing the application. Ms. Massard said the plan is to adjust a parcel line. Ms. Keller said the goal of the Approval Not Required (ANR) plan is to transfer Parcel A, which is non-buildable on its own, from 7 Seabury Point to the direct abutter at 455 Bay Road. Mr. Glennon noted that the plan shows that the property has, and will retain, 200 feet of frontage. He noted that a common method for a lot line adjustment is through an ANR filing.

Mr. Glennon asked Ms. Keller about the purpose of transferring Parcel A. Ms. Keller said that the homeowners at 455 Bay Road intend to build a guesthouse on that parcel, coming off of their existing driveway. Mr. Glennon reminded Ms. Keller that an ANR plan does not confirm compliance with zoning, and that proposing a second home would require other relief that is not before the Planning Board. Ms. Keller said the applicants are aware of this and are planning on putting in applications with the Conservation and Building Departments in the future.

Motion: Ms. Ladd Fiorini made a motion to accept the ANR plan entitled “Plan of Land 7 Seabury Point,” by Merrill Engineers and Land Surveyors dated October 1, 2020 and revised through October 14, 2020. Mr. Uitti provided a second.

Vote: Ms. Ladd Fiorini - Aye; Mr. Uitti - Aye; Mr. MacDonald - Aye; and Mr. Glennon - Aye (Mr. Casagrande and Mr. Wadsworth were absent from the meeting at this time).

Duxbury Animal Hospital

Ms. Massard said the applicants made a timely request in April to extend the previously-granted Administrative Site Plan Review (ASPR) decision by two years, but the Board was not meeting at that time due to the COVID-19 situation. She said Amory Engineers reviewed the landscaping plan and reviewed minor revisions on the site plan, which did not affect the Administrative Site Plan Approval. She suggested the Board grant a two-year extension for the ASPR decision and approve the landscaping plan, which was reviewed by the abutters, as per the conditions of the approval.

Mr. Uitti said he will abstain from the vote because his law partner represents the applicants. Mr. Glennon said the Board would continue this item until later in the meeting, so the Board will have a quorum to vote when Mr. Casagrande arrives.

*At this point, the Board moved on to the next item on the agenda, then returned to this matter after Mr. Casagrande arrived at 5:36PM. The motion and vote below reflect the activity on this item following Mr. Casagrande’s arrival.

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Motion: Ms. Ladd Fiorini made a motion to extend the Administrative Site Plan Approval for an additional two years from April 25, 2020. Mr. MacDonald provided a second.

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

ZBA Referral, Special Permit: 246 Gurnet Road (ZBA Case #2020-15)

The applicants propose to raze and rebuild a pre-existing, non-conforming dwelling in the Residential Compatibility (RC) District and the Flood Hazard Area Overlay District (FHAOD). Richard Burchill, Minot Building Corporation, and Jennifer Hammel, homeowner, were in attendance to present the proposal.

Mr. Burchill said he is the agent and builder for the project. He said it is a pre-existing, non-conforming structure and the right-front corner of the property goes over the neighbor's property line.

*Mr. Casagrande arrived at the meeting at 5:36PM and the Board paused discussion of this item to vote upon the Duxbury Animal Hospital Administrative Site Plan Approval extension.

*Ms. Ladd Fiorini departed the meeting at 5:37PM.

*Discussion of this item resumed immediately after the vote concerning the Administrative Site Plan Approval for Duxbury Animal Hospital.

Mr. Glennon thanked Mr. Burchill and Ms. Hammel for their patience during the brief interruption to their presentation while Board completed the remaining business concerning the Duxbury Animal Hospital. Mr. Burchill said the plan is to maintain the existing integrity of the house, while making it less non-conforming. He said they are under the setbacks and the height is conforming. Mr. Casagrande said the result is actually a little less non-conforming than the Board usually sees.

Mr. Glennon noted that the owner of record on the plan is Judith Bran. He asked what the relationship is between Ms. Bran and Ms. Hammel. Mr. Burchill said the plan was drawn when Ms. Bran was still the owner, and that Ms. Hammel purchased the property in June 2020. Ms. Hammel represented that Ms. Bran is no longer associated with the property.

Mr. Glennon explained to the Board that this application shows why zoning districts need to be addressed. He said according to the way the zoning is currently written, since the applicants are tearing down a non-conforming dwelling on a small lot in the RC District, the applicants technically should not build anything in its place, as it is not possible to construct anything that fully conforms to the RC District requirements. He said that if Town Meeting wants to allow redevelopment of the many small lots in this area, it needs to be changed during the Zoning Recodification process.

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Mr. Glennon noted that there is a significant volume increase to the proposed structure. He asked if the applicants have spoken to the neighbors. Mr. Burchill said they have not received any complaints from neighbors. He said the neighbor directly to the left is happy to have a younger family moving in and the neighbor directly to the right is a rental. Mr. Casagrande said they are decreasing the existing non-conformity. He said the bylaw itself does not specifically address volume, so that is something the Board could look into as well during the Zoning Recodification process.

Motion: Mr. Glennon made a motion to defer to the ZBA the Special Permit request of 246 Gurnet Road (ZBA Case #2020-15). Mr. Uitti provided a second.

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

*Ms. Massard informed the Board the applicant for the next agenda item, ZBA Referral, Special Permit filing at 290 Kings Town Way, asked to be rescheduled to the next Planning Board meeting on November 2, 2020.

Planning Director Update

Ms. Massard said she is currently working on the annual reporting for the Green Communities Grant. She said all the Department Heads had to submit budgets for their respective departments to get to a \$0 budget. She said since there is not much the Planning Department can cut, she had to propose a cut to her own salary. She said the Board of Selectmen and the Fiscal Advisory Committee are meeting jointly to discuss what they can do in terms of cutting programs or staffing, which depends on if anymore COVID-19 relief legislation is passed.

Mr. Casagrande said the Town is losing revenue from the beach, but it should still be making money from property taxes. Ms. Massard said the Town relies on residents' taxes, revenues, grants, and state allocations to run. Mr. Glennon said he was surprised that the proposed budget would include a reduction to the Planning Director's salary, and articulated his objection to it.

All the Board members agreed that Ms. Massard does great work, and she should not have to take a reduction in salary. Mr. Uitti said that Ms. Massard brings in a lot of money to the Town in the form of grants. Mr. Casagrande said that he emailed the Town Manager the other day to voice his disapproval as well.

Mr. Glennon offered a brief resolution for the Board's consideration.

Motion: Mr. Glennon resolved that Ms. Massard should not propose a reduction to her own salary as part of the current budget process. Mr. Uitti provided a second.

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

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Mr. Glennon offered to prepare a draft letter to the Board of Selectmen and Town Manager informing them of the resolution. Ms. Massard thanked the Board.

Ms. Massard said the Planning Department is reserving an article on the Town Meeting warrant for this fiscal year because FEMA has announced they are coming back with their inland maps. She said these are the same maps that were on the last warrant, and they are also coming out with new zoning language for Towns to adopt. She said that is the only Planning article on the warrant, so the Board can focus on the Complete Streets program and Zoning Recodification.

Mr. Casagrande said the Board needs to continue to work on the uses for zoning recodification. He said he spoke to Jim Lampert and he seemed happy to help and agreed with several of the issues he brought up.

Ms. Massard suggested that each Board member choose a particular issue to focus on. She said the Board needs to limit the time they spend discussing zoning recodification with Town Counsel so they do not end up going over the available amount in the budget for zoning recodification. Mr. Casagrande agreed.

Mr. Casagrande reminded Board members to send their comments on the draft use table to Ms. Massard and Ms. Hadley. Ms. Massard said it does not matter what format the edits are in. Mr. Glennon asked Ms. Massard to send an email to the Board reminding them to send in these edits. Mr. MacDonald asked which draft Board members should make their edits on. Mr. Casagrande told Mr. MacDonald to make comments on the most recent version of the use chart that was discussed at the meeting a couple of weeks ago.

Mr. Glennon said that a common criticism of the current zoning bylaws is that different parts sound like they are from different "voices," and suggested the Board think about subcommittee for breaking apart the bylaw as opposed to individual members each looking at different sections. Mr. Casagrande said that his interpretation of the process is that individual Board members would give their comments about individual sections, then get together to discuss, and then bring in Town Counsel to make the changes.

Ms. Massard said she would like to focus on context for the zoning bylaw, by having members look into what other Towns are doing and provided some ideas of how it could work for Duxbury. Mr. Casagrande said the use chart is good practice for that process.

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Motion: Mr. Glennon made a motion to approve minutes from October 5, 2020 as written. Mr. MacDonald provided a second.

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

*Mr. Wadsworth arrived at the meeting at 6:09PM after experiencing technical difficulties.

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ADJOURNMENT

Motion: Mr. Uitti made a motion to adjourn at 6:10PM. Mr. Wadsworth provided a second.

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

The next Planning Board meeting will take place on Monday, November 2, 2020 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- October 19, 2020 Agenda
- Merrill Transmittal Sheet - 7 Seabury Point
- ANR Application - 7 Seabury Point
- ANR Checklist with Edits - 7 Seabury Point
- ANR Plan Entitled "Plan of Land 7 Seabury Point," by Merrill Engineers and Land Surveyors dated October 1, 2020 and revised through October 14, 2020
- Email Correspondence between Valerie Massard and Pat Brennan RE: Duxbury Animal Hospital
- Letter from Cavanaro Consulting dated February 7, 2020 RE: Revised Site Plan for Duxbury Animal Hospital to supplement Administrative Site Plan Approval, issued 5/1/18 & Order of Conditions for MADEP File #SE18-181, issued 4/25/18
- Sheet C100: Proposed Site Plan Entitled "Duxbury Animal Hospital 103 Depot Street Duxbury, MA 02332," by DKW Architecture LLC dated February 7, 2020 and revised through March 3, 2020
- Sheet L.1: Site Planting Plan Entitled "Duxbury Animal Hospital 103 Depot Street Duxbury, MA 02332," by DKW Architecture LLC dated September 9, 2020
- ZBA Case #2020-15: 246 Gurnet Road
- Building Permits/Construction Cost Reports: July 2020, August 2020, and September 2020
- Draft Minutes October 5, 2020