



# Town of Duxbury Massachusetts

## Planning Board

TOWN CLERK  
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DUXBURY, MASS.

### **Minutes 10/24/2022**

The Planning Board met on October 24, 2022 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Present: Scott Casagrande, Chair; Brian Glennon, Vice-Chair; Keith MacDonald, Clerk; Kristin Rappe; and David Uitti.

Absent: Jennifer Turcotte; and George Wadsworth.

Staff: Christopher Ryan, Planning Director; and Emily Hadley, Principal Assistant.

Mr. Casagrande called the meeting to order at 6:00PM.

### **Open Forum**

Mr. Glennon told the Board that the Simmons Working Group met this afternoon. The Group is planning on hosting another open house for the property in November. He said they are planning on bringing realtors in to market the property more broadly, which will be obtained through public procurement laws. The Group is meeting again on November 9.

### **ADMINISTRATIVE ITEMS**

*ZBA Case #2022-23: 184 Marshall Street*

Paul Brogna, Seacoast Engineering Co., presented the project to the Board on behalf of the applicants. Mr. Brogna said they have received Orders of Conditions from the Conservation Commission, and they are proceeding as normal through the other permit granting authorities. They have applied for a Chapter 91 License and a permit through the U.S. Army Corps of Engineers. He said the proposed pier meets the normal design standards for the Town, and mentioned that there is a shared pier at 174 & 176 Marshall Street.

Mr. Glennon asked if the pier material is timber. Mr. Brogna said the pier will mainly be timber, except for the bolts and the aluminum gangway. The Board did not see any planning issues with the application.

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Motion: Mr. MacDonald made a motion to defer judgement to the Selectboard for the Special Permit application at 184 Marshall Street, noting that the Board does not see any zoning issues with the application. Mr. Glennon provided a second.

Vote: 5-0, unanimous.

*Invoices*

Motion: Mr. Glennon made a motion to approve Amory Engineers, P.C. invoice #15990A in the amount of \$234.00 for Duxbury Animal Hospital, #15990B in the amount of \$507.00 for Hawthorn Hill, and #15990C in the amount of \$351.00 for Evergreen Terrace. Ms. Rappe provided a second.

Vote: 5-0, unanimous.

Motion: Mr. Glennon made a motion to approve KP Law, P.C. invoice #138776 in the amount of \$405.00 for zoning recodification. Ms. Rappe provided a second.

Vote: 5-0, unanimous.

Mr. Glennon asked staff whether the invoice from Metropolitan Area Planning Council (MAPC) they were asked to approve is the final invoice for the zoning map update. Mr. Ryan replied that this is the final invoice for the project, unless the Board has any edits.

Motion: Mr. Glennon made a motion to approve MAPC invoice #M1727-1 in the amount of \$4,000.00 for zoning map update. Ms. Rappe provided a second.

Vote: 5-0, unanimous.

*September 26, 2022 Minutes*

Motion: Ms. Rappe made a motion to approve the minutes of September 26, 2022 as written. Mr. MacDonald provided a second.

Vote: 5-0, unanimous.

*Abutting Town Notices & September 2022 Building Permit Report*

Mr. Glennon said it is interesting to see how other Towns approach different development and zoning issues. He asked whether staff will continue to provide this report, and staff confirmed. Ms. Rappe asked if we also notify surrounding Towns of our decisions. Staff confirmed that the Town sends notices to abutting Towns for public hearings and decisions related to zoning and commercial development.



### **October 17, 2022 Special Town Meeting Follow-Up**

Mr. Ryan made a few suggestions about clarifying the Board's Street Acceptance process in his Board Report. He said the Board should include language in their decisions that clearly states whether or not they expect the road to become public or to remain private. Mr. Casagrande agreed that the Board needs to layout more clearly what the Board expects will happen when a street is accepted. Ms. Rappe agreed, stating that it is better to have more communication they have with the developer regarding their expectations. Mr. Glennon said the Board can look at this when they next revise their rules and regulations.

### **Frontage Waiver Request**

Mr. Ryan said the Department received a frontage waiver request, which is an application that the department generally does not come across. He said staff took an application form from another Town and modified it for Duxbury's purposes. He asked the Board if there is a requirement to vote in new forms. He said there is no fee in their schedule for the application currently, so he recommends to waive the fees until they add it to the Board's fee schedule.

Mr. Ryan said for the application they anticipate to receive by the next meeting, they are going to apply for the frontage waiver first, and then submit an ANR plan after that, so they are not held to the 21-day deadline right away. He said the plan is for a lot line adjustment between two lots that do not have adequate frontage. Mr. Ryan said in order for the ANR to go through, we need the frontage waiver to be reviewed first, which was the consensus when he asked other planners via the MassPlanners listserve. Mr. Glennon said this would be a change to prior practice, but he is in favor of it if it makes the Board more compliant.

Mr. Casagrande said it is not necessary for the Board to vote on the form, and staff can proceed with the use of the form and waiving the fee for this request until it is added to their fee schedule. The use of the form was approved by the Board by acclamation.

### **Updated Zoning Maps**

Mr. Casagrande said he met with staff last week to discuss the maps, and they had discussed the layout of the Wetlands Protection Overlay District. Mr. Ryan said staff will follow up with MAPC about whether there is a better way to differentiate the WPOD layer from the wetlands.

Mr. Glennon noted that there is a large area in the Medical Marijuana Overlay District that is near the schools. Mr. Casagrande said this district comes from the Neighborhood-Business 2 Districts, but there are disqualifications for proximity to schools, etc. that are not reflected in the zoning map. He said the updated maps show the districts as they have already been approved at previous Town Meetings.

Mr. Glennon said the Board should consider in the future amending the language on the Medical Marijuana Overlay District, by excepting the properties that are not eligible for a medical

marijuana treatment facility because of their proximity to schools, etc. Mr. Ryan said he is interested to see if there will be any public comments on the map.

Mr. Casagrande said the maps are a vast improvement over the current zoning maps, and having the zones in digital form will allow the Town to easily edit the district whenever they are modified at Town Meeting.

Mr. Ryan asked the for their authorization to post the revised maps in the hallway at Town Hall and on the Town website for public review comments, and the Board agreed by acclamation. He said staff will be putting out a press release about the updated maps in the near future.

### **Zoning Recodification**

The Board reviewed many questions and comments regarding recodification of the Zoning Bylaw with Amy Kwesell, Town Counsel. Mr. Ryan agreed to make the changes to the zoning bylaw marked-up document.

Mr. Casagrande said the Board will hold public hearings for the proposed zoning bylaw recodification starting in early December. Mr. Ryan said he will create a redlined version of the documents that includes the edits as part of the actual text rather than tracked changes.

### **Comprehensive Plan Implementation**

Mr. Ryan said he would like to formally recommend to the Town Manager and Finance Committee purchasing eCode360 services for FY2024. The Board supports this recommendation.

Mr. Ryan said there will be an appointee from the Planning Board on the newly created Coastal Resiliency Task Force. The charge of this group is to compile all the previously completed plans/reports and prioritize the recommendations. Mr. Glennon suggested after the group's first meeting, holding a joint meeting with the Planning Board and the Task Force to go through the items.

Mr. Ryan asked the Board if they would like to formally request Complete Streets funds. Mr. Glennon said it was his recollection that the Town can only get additional funds for projects once all the money they are given is spent. Mr. Ryan said the initial prioritization plan did not include the section of Washington Street for which the street survey engineering funds were passed at Town Meeting. He would like to contract with the same company they used for the original plan, to add this project and a few others to the prioritization plan. Mr. Ryan said he will write a memo to the Town Manager and the Finance Director formally requesting the use of Article 8 funds (matching funds for any grant) to apply for Complete Streets funding in the Spring, for Scott to sign. The Board agreed by acclamation.

Mr. Ryan told the Board he submitted an application for technical assistance with Mass Housing Partnership to formulate an action plan to comply with the new MBTA Communities guidelines.



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**ADJOURNMENT**

Motion: Mr. MacDonald made a motion to adjourn at 8:59PM. Ms. Rappe provided a second.

Vote: 5-0, unanimous.

Materials reviewed at the meeting:

- October 25, 2022 Agenda
- ZBA Case #2022-23: 184 Marshall Street
- MassDEP Waterways Regulation Program: Notice of License Application Pursuant to M.G.L. Chapter 91 Waterways License Application Number 22-WW01-0156-APP (184 Marshall Street)
- Amory Invoices #15990A, #15990B & #15990C
- KP Law, P.C. Invoice #138776
- MAPC Invoice M1727 - #1
- Draft Minutes September 26, 2022
- Notices from Abutting Towns
- September 2022 Building Permit Construction Costs Report
- MAPC Memo dated October 5, 2022 RE: Deliverables, Updated Zoning Data
- Draft Zoning Maps October 2022
- Director of Planning Board Report dated October 24, 2022
- Zoning Bylaws Comment Sheet as of October 19, 2022
- General Code Proposal for Conversion Services Prepared for Duxbury, Massachusetts dated October 11, 2022

