



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2021 JAN 28 AM 8:53
DUXBURY, MASS.

Minutes 1/11/2021

The Planning Board met on January 11, 2021 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 be 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=R0NESWVKZ2JidmJTaDVIeW5CZG52dz09>.

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

Absent: None.

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

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

Open Forum

Mr. Glennon said he and Ms. Massard participated in a meeting with Town Counsel, Peter Buttkus, the Washington Street sidewalk fundraising group, and Mark Casey to discuss a need, and the process, to establish a formal road layout on Washington Street in order to construct sidewalks for which the citizens' group has been advocating, on December 22. Ms. Massard said staff gave the citizens' group direction, offered them maps and answered many questions over a series of meetings regarding this process so that the group could clearly understand the level of effort, steps, length of time, and financing issues, which they have taken under advisement. Mr. Glennon said everyone can make the streets safer by following the speed limit, and that this is a significant safety improvement already – advocating for this continued slower speed is important, and a significantly more cost-effective alternative.

ZBA Referral, Special Permit: 34 Lover's Lane (ZBA Case #2020-25)

Kevin Dahlen, one of the applicants, was in attendance. Mr. Dahlen said there is an existing garage that is 111 feet from the existing side setback. He said the plan is to tear down the structure and rebuild a garage structure, 11.4 feet from the side setback, with living space and adding a second floor. He said the garage door is moving down from 16 feet to 9 feet because they are adding a staircase to access the second floor. He said the structure will have the same accessibility and architecture of the original structure.

Mr. Glennon asked about the height increase between the original and the new structure. Mr. Dahlen said there is a height increase of about 15 feet. Mr. Glennon asked if they have been in touch with the direct abutters of the property. Mr. Dahlen said they have been in touch with the abutters directly to the Northeast and to the East and they are working on getting in touch with the other direct abutters. He said the two abutters that they spoke to were in support of the project. Mr. Glennon advised Mr. Dahlen to get in touch with the other abutter, since they are the most directly affected by the project.

Mr. Uitti said the encroachment to the setback decreases, but the volume of the structure is increasing. Mr. Casagrande said volume is not part of the Bylaw.

Motion: Ms. Ladd Fiorini made a motion to defer to the ZBA the Special Permit request of 34 Lover's Lane. Mr. Glennon provided a second.

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

ZBA Referral, Special Permit: 93 Abrams Hill (ZBA Case #2020-26)

Mr. Casagrande said the application is for a residential pier. The applicants, Peter and Meredith Murphy, were in attendance. Mr. Murphy said Freeman Boynton designed the pier, but he was unable to attend the meeting.

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Ms. Ladd Fiorini asked if the applicants have heard back from the Conservation Commission about the orders of conditions. Mr. Murphy said the orders of conditions were approved. Ms. Ladd Fiorini asked if the walkway made of aluminum rather than wood. Mr. Murphy confirmed and said it is a removable pier with handrails on the gangway.

Mr. Casagrande asked if the pier is out of the marshes in the winter. Ms. Murphy said the pier will be up from around May to October. Mr. Murphy said the Conservation Commission liked the design.

Motion: Ms. Ladd Fiorini made a motion to defer to the ZBA the Special Permit request of 93 Abrams Hill. Ms. Turcotte provided a second.

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

Dogwood Drive

Ms. Massard said she has received notarized signed copies of the bond agreement which follows the format recommended by Town Counsel. She said Amory Engineers provided an estimate for completion of work to establish the bond, which is normal practice. She said the old developer did not decide whether the subdivision would use public water or private wells, so it was a condition that the lots would not be released by the Board without review by the Fire Department and having the water quality and flow tested.

Ms. Massard said the development uses private wells, and that on these two lots, sprinklers will be provided and testing of the water has been reviewed and approved by Health and by Amory Engineering with respect to the subdivision conditions. She said the Board is releasing only Lots I and J from the covenant. She said the Board needs to vote on entering into a performance bond agreement, releasing Lots I and J, and accepting the request for an extension into next August. Mr. Uitti asked how the amount for the performance bond was determined. Ms. Massard said Amory Engineers determined the amount based on what work needs to be completed.

Mr. Glennon asked if USC LLC is the appropriate legal entity. Ms. Massard said the LLC was created for this subdivision and is the proper legal entity.

Motion: Mr. Uitti made a motion to accept the performance bond in lieu of covenants (for Ms. Massard to sign). Ms. Ladd Fiorini provided a second.

Vote: Mr. Glennon - Aye; Mr. Uitti - Aye; Ms. Ladd Fiorini - Aye; Ms. Turcotte - Aye; Mr. MacDonald - Aye; Mr. Casagrande - Aye; and Mr. Wadsworth - abstained due to technical difficulties.

Mr. Glennon said there is a note in the draft agreement that said the developer is selling lots without the Board's permission. He asked Ms. Massard if this issue is resolved. Ms. Massard

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said there is a new process in place to avoid these problems since she arrived in Duxbury, which is to require the Covenant be recorded with the plans. She said the buyers of the lots were made aware of the issues as she was contacted by the attorney for the developer, and the attorney for the buyer, and explained that the lots could not be released without the testing and the performance bond, and apparently both parties proceeded with the sale at their own risk while the developer was sorting out providing the water quality and flow information and determining which type of performance guarantee to provide. She said the lot release buttons up all the issues for all parties.

Motion: Mr. Uitti made a motion to enter into the agreement and release Lots I and J, subject to the performance bond agreement conditions, which reference the subdivision conditions. Ms. Ladd Fiorini provided a second.

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

Ms. Massard said the only work left to complete on the subdivision is to build homes, finish the top coat of the road, and final landscaping.

Motion: Ms. Ladd Fiorini made a motion to approve an extension of the deadline for completion of work to August 2022. Ms. Turcotte provided a second.

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

Informal Planning Director Report

Ms. Massard said there are free workshops being offered to engage the community in exploring what neighborhood business districts will look like. She said they are being advertised in the Senior Center newsletter. She said the draft Complete Streets plan will be completed soon.

Ms. Massard said there will be a public hearing for two zoning related articles on this year's Annual Town Meeting warrant. She said she received final approval from the State and Town Counsel on flood district zoning language and the new Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS). She said the maps are the same that were brought forward at last year's Town Meeting that were withdrawn due to delays caused by COVID-19. The other zoning article that will be discussed at the public hearing is a citizen's petition about the elevation of houses. She said they are going to treat the article as if it were a zoning change, however, there is no reference to the Zoning Bylaw in the citizen's petition.

Ms. Massard asked the Planning Board and the public to support funding for traffic lights at Exit 10 (which has been changed to Exit 20). She said the Town needs to vote to support funding for the engineering for the project to keep it in the State's Transportation Improvement Plan (TIP), which will pay for the construction. She said the project cost is over \$1 million. She said the

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Town has received free assistance from VAI and Island Creek Village paid for the work to get the project into the TIP under its permit, but the Town needs to pay for the engineering to complete the project. The project was set to sunset this year (it has been in the TIP for 10 years), but the Town was able to get a 1-year extension due to COVID, after which it will likely be dropped from the TIP, and the Town will need to start from scratch to be re-listed in the TIP and return to the bottom of the list to wait for funding.

Mr. Casagrande said 90% of the intersection is in Duxbury. Ms. Massard said most of the accidents that occur at the exit ramps are in Duxbury. Ms. Ladd Fiorini asked if Kingston is about to contribute any money. Ms. Massard said they just hired a new Town Administrator and the article for funding was not on their Town Meeting warrant. Mr. Glennon asked if Duxbury votes to support funding, if it will stay in the TIP without Kingston's assistance and Ms. Massard confirmed.

Mr. Glennon said the Town will likely save money in the long term by funding the traffic light construction, as a result of fewer vehicle crashes and EMS calls. Ms. Ladd Fiorini said it may be helpful to get the information of how many accidents occur there and how much money is spent on first responders. Ms. Massard said she has asked the Fire Chief to support funding. Ms. Massard said construction is scheduled for 2025 if the project stays in the TIP. Mr. Casagrande asked if the Town needs to pledge full funding. Ms. Massard said yes, but that it will be spread out over three years.

Invoices

Motion: Mr. Glennon made a motion to approve Merrill invoice #10719 in the amount of \$1,600 for 308 Summer Street. Mr. Uitti provided a second.

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

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Motion: Mr. Glennon made a motion to approve minutes from December 7, 2020 as written. Mr. Uitti provided a second.

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

Ms. Ladd Fiorini asked when the next Planning Board meeting is scheduled. Ms. Massard said the next meeting is on Monday, January 25th.

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ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 5:58PM. Mr. MacDonald provided a second.

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

The next Planning Board meeting will take place on Monday, January 25, 2021 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- January 11, 2021 Agenda
- ZBA Case #2020-25
- ZBA Case #2020-26
- Dogwood Drive Draft Performance Bond Agreement
- Dogwood Drive Draft Lot Release
- Merrill Invoice #10719
- Draft Minutes December 7, 2020