



Town of Duxbury Massachusetts Planning Board

Approved 2/12/2020

TOWN CLERK

2020 FEB 14 AM 9:29

DUXBURY, MASS.

Minutes 1/22/20

The Planning Board met on January 22, 2020 at 7:15 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Present: Scott Casagrande; Chairman, Brian Glennon II; Vice-Chairman; John Bear; Cynthia Ladd Fiorini; Jennifer Turcotte; and George Wadsworth.

Absent: David Uitti, Clerk.

Staff: Emily Hadley, Administrative Assistant. Planning Director Valerie Massard was away on vacation.

Mr. Casagrande called the meeting to order at 7:27 PM.

Mr. Casagrande noted that the meeting was starting late because the Planning Board and staff were briefly locked out of Town Hall.

OPEN FORUM

Mr. Bear said that the Clipper published a letter to the editor about the Comprehensive Plan and that he does not think it is appropriate. Mr. Casagrande explained that the letter was about the history of Duxbury's beginnings. Mr. Bear said that Duxbury's history is not the focus of the plan. Mr. Glennon seconded Mr. Bear's comment and noted that the letter writer's complaint was made at length at the joint meeting of the Planning Board and Board of Selectmen. Ms. Ladd Fiorini said that the Community Preservation Committee received a citizen's petition on the Town Meeting warrant to increase the surcharge from 1 to 3 percent, which the CPC is in support of. She suggested that the Planning Board discuss the article at a future meeting before Town Meeting.

A) PUBLIC HEARING, 2020 ANNUAL TOWN MEETING ARTICLE: FEMA Inland Flood Insurance Rate Maps (FIRMs)

Motion: Ms. Ladd Fiorini moved to open the public hearing and Mr. Glennon provided a second.

Vote: 6-0, unanimous.

The public hearing was opened at 7:31 PM.

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Motion: Mr. Glennon moved to waive the reading of the public hearing notice, and Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

Mr. Casagrande said that FEMA produced new flood insurance rate maps, and the Town needs to adopt them at Town Meeting. Mr. Casagrande explained that the language in the bylaw does not change except for updating the dates of the maps to reflect the most current versions. He said that if there are any disagreements with the flood insurance rate maps, it will be up to individual property owners to reach out to FEMA.

Motion: Mr. Glennon moved to close the public hearing because no one from the public was in attendance, and Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

The public hearing was closed at 7:33 PM.

Mr. Glennon said that adopting the maps is something that needs to be done, as the Planning Director previously informed the Planning Board that it is an important administrative matter.

Motion: Ms. Turcotte moved to recommend favorably the Annual Town Meeting article to amend the Protective Bylaw Article 200 - Section 202.1 and Article 400 - Section 402.2 - in order to adopt the new Plymouth County Flood Insurance Rate Maps (FIRMs). Mr. Glennon provided a second.

Vote: 6-0, unanimous.

B) PUBLIC HEARING, 2020 ANNUAL TOWN MEETING ARTICLE: Medical Marijuana Overlay District, Scrivener's Error

Motion: Mr. Glennon moved to open the public hearing. Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

The public hearing was opened at 7:36 PM.

Motion: Mr. Glennon moved to close the public hearing because no one from the public was in attendance. Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

The public hearing was closed at 7:36 PM.

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Mr. Casagrande said that the article's purpose is to include language regarding the Medical Marijuana Overlay District in order to fix an administrative mistake, in which it was not added to the Zoning Bylaw after being approved at Town Meeting in 2019. He said that the Medical Marijuana Overlay District was also approved by the Attorney General.

Motion: Mr. Glennon moved to recommend favorably the Annual Town Meeting article to amend the Protective Bylaw Article 200 - Section 201 - to list the Medical Marijuana Overlay District as adopted by Town Meeting in 2019 in order to correct a Scrivener's error. Mr. Wadsworth provided a second.

Vote: 6-0, unanimous.

C) LITTLETOWN WAY SUBDIVISION

Mr. Glennon reminded the Planning Board that the as-built plan reviewed at the previous Planning Board meeting was not stamped or signed by the engineer. Mr. Bear asked if the fee was paid for the plant warranty that was also reviewed at the last meeting. Planning Department staff said that Coastal Excavation confirmed over the phone that the \$3,000 fee for the plant warranty had been paid. Mr. Casagrande restated that the planting contractor, Coastal Excavation, confirmed that they received payment for the plant warranty. Mr. Glennon said that the engineer now has a signed as-built plan.

Mr. Wadsworth said that the proponent wants funds released back to them, but the Board was not provided with documentation of how much money is left in the accounts, so they cannot make a determination on releasing the funds. Mr. Casagrande said that the Board could vote on releasing any remaining funds. Mr. Glennon said that the Board should require a figure of how much is in the accounts to release the funds. Mr. Casagrande requested that Ms. Massard provide exact amounts of money in the accounts for Littleton Way in order for the Board to vote on releasing the funds.

Mr. Wadsworth asked what was wrong with the as-built plan reviewed at the last meeting, and Ms. Turcotte responded that it was not signed or stamped.

Motion: Ms. Ladd Fiorini made a motion to accept the as-built plan entitled "907 Tremont Street Subdivision Duxbury, Massachusetts" and dated October 11, 2019 and certify completion. Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

D) OTHER BUSINESS

Planning Director Report

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Mr. Glennon had several questions about the Planning Director's written report to be posed to Ms. Massard. On the first page, in the Floodplain Administration & Related Planning section, the second bullet point states that the Planning Department performs "regular ongoing review of building permit applications, one-on-one consultations with realtors and homeowners on site-specific questions regarding flood zone insurance issues." Mr. Glennon asked how much staff time is being spent on this task, and whether the availability of the updated FEMA Flood Insurance Rate Maps would allow realtors and homeowners to make fewer inquiries to the Planning Department.

In the Floodplain Administration & Related Planning section of the Planning Director's report, the eighth bullet point states that the Planning Department is "working with three property owners and gathering information from MEMA on an anticipated request that the town apply for two separate group of homeowner assistance grants from FEMA in 2020 for 2021 funding to elevate homes. A consultant will need to be hired to implement these grants if we apply and are awarded the funding - Scituate has a full-time staffer dedicated to this and floodplain issues in the Planning Department due to volume, Marshfield's Planning Department has a consultant approach - FEMA funding pays for the consultant but the contracting and administration, as well as grant applications by the homeowners, will come through the Planning office."

Mr. Glennon said that the bullet stated above gives the impression that the private property owners are relying upon the Planning Department to handle important grant application work for their sole benefit. Mr. Glennon suggested that if there are any costs to the Town in providing this assistance, that the private property owners be required to cover those costs. Mr. Casagrande noted that Marshfield hired a consultant for the projects. Mr. Bear asked if the grant has to be in place before the building permits can be filed to elevate the house.

Minutes

Motion: Mr. Glennon made a motion to approve the minutes for January 8, 2020 as written. Mr. Wadsworth provided a second.

Vote: 4-0, Ms. Ladd Fiorini and Ms. Turcotte abstained due to absence from the January 8th meeting.

Engineering Invoices

Motion: Mr. Wadsworth made a motion to approve invoice number 15279 from Amory Engineers, P.C. for 113 Tremont Street dated January 2, 2020. Mr. Glennon provided a second, and noted for the record that 113 Tremont Street is Dr. Hamori's project.

Vote: 6-0, unanimous.

Motion: Mr. Wadsworth made a motion to approve invoice number 8437 from Merrill Corporation for 308 Summer Street dated January 8, 2020. Mr. Glennon provided a second.

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Vote: 6-0, unanimous.

FYI Items/Correspondence

Ms. Ladd Fiorini asked about the citizen's petition listed in the summary table of zoning warrant articles. Mr. Glennon said that he recalls from the last Planning Board meeting that it was related to requiring an abutter's notice for certain building permit applications. Ms. Ladd Fiorini asked if the article was considered a zoning bylaw change or a general bylaw. Mr. Bear also asked whether the article should be considered a zoning bylaw change and requested that Ms. Massard clarify at the next meeting.

Mr. Glennon said that he drove by the Dogwood Drive subdivision project on Summer Street (Route 53), which required a significant volume of fill, and the road surface of Route 53 was a bit muddy. He requested that staff make sure there is a tire wash in place. Mr. Wadsworth said that it is on a State Highway so it is a State responsibility to clean it up. Mr. Glennon said that he believes a tire wash was a condition of the subdivision approval.

ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 7:59PM. Mr. Bear provided a second.

Vote: 6-0, unanimous.

The next Planning Board meeting will take place on February 12, 2020 at 7:15PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Materials reviewed at the meeting:

- Public Hearing Notice
- Presentation: New Inland (Non-Coastal) FEMA Maps
- Littleton Way As-Built Plan
- Planning Department Warrant Articles for Town Meeting 2020
- Planning Director Report
- Minutes 1/8/2020
- Amory Invoice #15279
- Merrill Invoice #8437

