



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2023 APR 27 AM 8:38
DUXBURY, MASS.

Minutes 4/10/2023

The Planning Board met on April 10, 2023 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Present: Scott Casagrande, Chair; Keith MacDonald, Clerk; Wayne Dennison; Kristin Rappe; and David Utti.

Absent: Jennifer Turcotte.

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

Mr. Casagrande called the meeting to order at 6:02PM.

Open Forum

Ms. Rappe informed the Planning Board that the Coastal Resiliency Task Force made a recommendation to the Selectboard to hire a Planner for coastal issues in Town.

ADMINISTRATIVE ITEMS

ZBA Case #2023-04: 5 Surfside West

Mr. Dennison told the Board that the Zoning Board of Appeals appreciates the input the Planning Board provides to them, and encouraged the Board to provide as many comments as possible on these referral cases.

Mr. Casagrande said the proposal is for a raze and rebuild of a pre-existing, non-conforming house. He said it is a small lot, so they are allowed an additional 3% lot coverage, and they are not exceeding the allowable height restrictions for the proposed dwelling. There is one side setback that is very close to the neighbor (1.8ft), and Mr. Casagrande suggested that the applicants push the house further away from that lot line, if possible, but the setback is okay if the neighbor is not objectionable.

Motion: Mr. Dennison moved to defer judgement to the Zoning Board of Appeals on the Special Permit application for 5 Surfside West (ZBA Case #2023-04). Seconded by Ms. Rappe.

Vote: 5-0, unanimous.

ZBA Case #2023-05: 170 Marshall Street

The application is to construct a new residential pier. Mr. Casagrande said the pier bylaw is very well-established, and the proposed pier meets all the requirements.

Motion: Mr. Uitti moved to recommend approval of the Special Permit application for 170 Marshall Street. Seconded by Mr. MacDonald.

Vote: 5-0, unanimous.

Invoices

Motion: Ms. Rappe moved to pay PGB Engineering LLC Invoices #128A for Bluefish River Tavern in the amount of \$780, #128C for the MacFarlane Farms Subdivision in the amount of \$312, and #128D for the Parkside Subdivision in the amount of \$741. Seconded by Mr. Dennison.

Vote: 5-0, unanimous.

Motion: Mr. Dennison moved to empower the Chair to approve invoices under \$1,000 on behalf of the Planning Board. Seconded by Ms. Rappe.

Vote: 5-0, unanimous.

Minutes

Motion: Mr. MacDonald moved to approve the minutes of March 13, 2023 and March 27, 2023 as written. Seconded by Mr. Dennison.

Vote: 5-0, unanimous.

Planning Board Reorganization: Election of Officers

Motion: Mr. Uitti nominated Mr. Casagrande to serve as Chair, Ms. Rappe to serve as Vice-Chair, and Mr. MacDonald to serve as Clerk. Seconded by Mr. Dennison.

Vote: 5-0, unanimous.

ANR Plan: 25 Soule Avenue & 24 Summerhouse Lane

Mark Casey, South Shore Survey Consultants, was in attendance to discuss the project.

Mr. Ryan told the Board he received advice from Town Counsel that the plan meets access and frontage based on historical records. He had questions as to whether the way is adequate, since it

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is very narrow and there are no turnouts, but as pointed out by Counsel for the applicants, there is precedent for accepting similar plans.

Mr. Casagrande said the Planning Board has reviewed Summerhouse Lane for adequacy in the past.

Mr. Casey said the plan is creating two new lots for construction, one with frontage on Soule Avenue and one with frontage on Summerhouse Lane. He said the road is suitable width and grade for the intended use, and the plan meets all the lot requirements in the Zoning Bylaw.

Motion: Mr. Utti moved to endorse the plan entitled "Plan of Land 25 Soule Avenue/24 Summerhouse Lane Duxbury, MA," prepared by South Shore Survey Consultants, Inc., 167 R Summer Street Kingston, MA 02364; prepared for Great Camanoe LLC; dated March 10, 2023; stamped by Lloyd J. Lowell, Professional Land Surveyor; scale 1" = 40'; one sheet, as Not Requiring Approval under the Subdivision Control Law. Seconded by Mr. MacDonald.

Vote: 5-0, unanimous.

6:05PM Continued Public Meeting: Bluefish River Tavern Administrative Site Plan Review

Tom Pozerski, site engineer, and Steve Guard, attorney for the Trust, were in attendance to discuss the project.

Mr. Pozerski said the applicants met with Pat Brennan, PGB Engineering LLC, on site and confirmed that the site distances both ways are adequate. He said they have had two neighborhood meetings, and the owners are local businessmen who want to be good neighbors.

Mr. Pozerski presented an alternate concept plan to the Board based on feedback from abutters. The alternative plan shows that they eliminated the outdoor patio, added some indoor seating, added an 8ft high fence with a gate next to Pinewood Lane, specified the exit out onto Chestnut Street as a service exit, and maintained the pedestrian path. This alternate plan proposes 141 seat options (no function room), with 30 of the seats in the bar rail area for people inside the building waiting to be seated. He said the inside of the restaurant is not currently in compliance with ADA requirements, so they are proposing some improvements to increase compliance as well.

With the alternate plan, the parking requirement for the project is reduced to 40 spaces, but the applicants have proposed 56 spaces. The applicants are planning to implement signage, including a right-turn only sign for customers exiting the facility and residents only sign by the pedestrian path. The alternate plan is proposing to leave the Pinewood Lane area as natural as possible.

Mr. Pozerski said that several of the abutter letters have voiced their concerns about bands playing at the restaurant. He said there has been no mention of a band playing at the restaurant, besides a possible acoustic guitar at a weekend brunch.

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Mr. Ryan said it looks like a good modification upon this initial review.

Mr. Dennison asked about the Design Review Board's comments on the plan. Mr. Pozerski said the Board recommended they work with the architect, neighbors, and a lighting consultant to create a photometric plan for the project.

Mr. Casagrande said their peer-review engineer will need to review the alternate plans, and review the pervious vs. impervious coverage calculations. Staff will wait to request Mr. Brennan's review until after the applicants submit a revised site plan.

Jason Eccleston, 256 Chestnut Street, said he is against the outdoor patio and any outdoor seating due to the close proximity of the restaurant to his house. He suggested there be language in either the special permit or site plan review decision prohibiting outdoor speakers and performances due to the restaurant's close proximity to neighbors.

Georgianna Spiliakos, 256 Chestnut Street, thanked the applicants for creating an alternate plan. She said the patio was their biggest concern, as it is very close to their property.

Ed Sanchez, 252 Chestnut Street, said the comment that the existing restaurant does not comply with ADA regulations is false, as ADA has been in place for a while. Mr. Pozerski said that although the outside of the building may comply with ADA regulations, the inside of the restaurant does not currently.

Mr. Sanchez expressed concerns about customers being served food at the bar seating area. Mr. Pozerski said the proposed bar rail waiting area is different from the existing bar area, and no food will be served there.

Mr. Sanchez asked how commercial trucks will enter and exit the property. Mr. Pozerski said all traffic will enter and exit using the main entrance, and there is an option to have service vehicles exit through the Chestnut Street exit, but that is not necessary.

Mr. Sanchez asked if there are any plans to widen the entrances, and Mr. Pozerski said no. Mr. Sanchez expressed concerns with the vehicles being able to turn around in the parking lot. Mr. Pozerski said the requirement is 24ft of backing area, and they have proposed 30-40ft so cars can easily turn-around. The applicants are discussing the possibility of using the Church lot for overflow parking, should the need arise.

The Planning Board thanked the abutters for submitting their comments and concerns about the project, and thanked the applicants for their willingness to adjust the plans based on neighbor concerns.

The applicants will be revising the site plan after meeting with the ZBA on April 13.

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Motion: Mr. Uitti moved to continue the public meeting to Monday, May 8, 2023 at 6:05PM. Mr. Dennison provided a second.

Vote: 5-0, unanimous.

Adjournment of Meeting & Reconvene in Mural Room for Joint-Meeting with Selectboard

Motion: Mr. MacDonald moved to adjourn their regular meeting and reconvene at the Mural Room for a joint meeting with the Selectboard at 7:05PM. Seconded by Ms. Rappe.

Vote: 5-0, unanimous.

Joint-Meeting with Selectboard: Comprehensive Plan Implementation

Mr. Casagrande called the meeting to reconvene at 7:47PM.

Mr. Ryan gave a presentation to the Selectboard regarding the status of implementation of the Envision Duxbury Comprehensive Plan. The Planning Department has reworked the implementation table to identify a single point of contact, called "owners," for each action item. A spreadsheet of the table was created with separate tabs for each owner, and a letter was sent out to these owners, with a guidance document explaining how to fill out the spreadsheet with the status of each task and comments. Mr. Ryan told the Selectboard he has received responses from 10 out of 25 owners so far.

Mr. Ryan listed some best practices for implementation, including leadership in implementation from the Town Manager, Selectboard, and/or Planning Board; creating a website, dashboard, and/or social media page for implementation; creating a stakeholder's group; regular reporting and plan updates; and creating an annual report.

Mr. Ryan suggested organizing a meeting/workshop of all the task owners to give them the opportunity to ask questions, highlight that they are not alone, introduce them to best practices, emphasize stakeholders and co-owners as resources to assist with tasks. The Selectboard agreed that this workshop is a great idea. They discussed scheduling this workshop for late Spring/early Summer.

The Planning Board and Selectboard discussed who should take charge of the implementation process. They concluded that implementation is a Planning Board function and the Selectboard will help push the process forward, acting as "enforcement".

Next steps in this process include uploading the spreadsheet to the Town's website, scheduling the next joint-meeting of the Selectboard and Planning Board in June/July, looking into project management tools, revising timelines, and marketing.

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Adjournment

Motion: Mr. Uitti moved to adjourn at 8:18PM. Seconded by Mr. Dennison.

Vote: 5-0, unanimous.

Materials reviewed at the meeting:

- April 10, 2023 Agenda
- Director of Planning – Duxbury, MA Board Report dated April 10, 2023
- ZBA Case #2023-04: 5 Surfside West
- ZBA Case #2023-05: 170 Marshall Street
- PGB Engineering LLC Invoices #128A, 128C & 128D
- Draft March 13, 2023 Minutes
- Draft March 27, 2023 Minutes
- ANR: 25 Soule Ave & 24 Summerhouse Lane:
 - Application & Checklist, submitted March 23, 2023
 - Plan entitled “Plan of Land 25 Soule Avenue/24 Summerhouse Lane Duxbury, MA,” prepared by South Shore Survey Consultants, Inc., 167 R Summer Street Kingston, MA 02364; prepared for Great Camanoe LLC; dated March 10, 2023; stamped by Lloyd J. Lowell, Professional Land Surveyor; scale 1” = 40’; one sheet
 - Galvin & Galvin, PC Letter RE: 25 Soule Avenue and 24 Summerhouse Lane – ANR Approval, Applicant: Great Camanoe, LLC dated April 10, 2023
 - Deeds: 24 Summerhouse Lane & 25 Soule Avenue
 - Plan #525, Plan Book 4, Page 100
 - “Plan of Land Off Bay Road, Summerhouse Lane, Sanger Road, and Spruce Lane” - Plan Book 51, Page 856
 - “Subdivision Plan of Land Bay Road, Summerhouse Lane, Sanger Road, and Spruce Lane” - Plan Book 54, Page 1051
- Bluefish River Tavern Administrative Site Plan Review:
 - Administrative Site Plan Review Application, received March 10, 2023
 - Plan entitled “Special Permit Site Plan #581 Tremont Street Duxbury, Massachusetts,” prepared for Milepost 581 Inc., LLC C/O Jeff Sabel; prepared by Merrill Engineers and Land Surveyors, 427 Columbia Road Hanover, MA 02339; dated March 7, 2023; stamped by Thomas A. Pozerski, Registered Professional Engineer; 1” = 20’; ten sheets
 - Abutter Letters
- Presentation: Envision Duxbury Comprehensive Plan Implementation Joint Meeting, April 10, 2023