



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2021 MAY 18 PM 1:27
DUXBURY, MASS.

Minutes 4/26/2021

The Planning Board met on April 26, 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, Chair; Brian Glennon, Vice-Chair; Keith MacDonald, Clerk; David Uitti; and George Wadsworth.

Absent: Jennifer Turcotte.

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

Mr. Casagrande called the meeting to order at 5:05PM.

Open Forum

Mr. Uitti said he bumped into a Zoning Board of Appeals (ZBA) member the other day, who asked him why the Planning Board provides input on zoning matters that come in front of the ZBA. Mr. Uitti said the ZBA cases take up a lot of the Planning Board's meeting time that they could be using to discuss other planning-related matters. He asked if it is necessary for the Board to review the cases and asked the Board's opinion on automatically deferring to the ZBA for these cases. Ms. Massard said the Town's Bylaws and State law requires the Planning Board to give input to the ZBA.

Mr. Casagrande said that in the past, the Planning Director would write a staff memo regarding the ZBA case and the Board would review the memo at their meeting and vote to approve it. Ms. Massard said most other Towns in Massachusetts have more input from the Planning Board on ZBA cases. She said the Planning Department would need more staff to provide the ZBA with more professional input. She said other Planning Boards make recommendations or propose conditions for cases.

Mr. Casagrande said for non-conforming properties, the Planning Board usually defers to the ZBA, and for residential piers the Board usually defer or recommend approval.

Ms. Massard said for certain ZBA cases, she would have liked to provide more input, such as Millbrook, for which she would have made a recommendation on phasing and parking. She said she thinks it is worthwhile for the Board to provide the ZBA with more information for commercial projects.

Mr. Casagrande said they could make a preset memo for deferral for ZBA cases, and only put the unique cases on the Planning Board agendas. Mr. Uitti said he recommends leaving all the cases on the agenda, but moving them all to the beginning of the meeting and the Board can vote to defer them all at once. Ms. Massard said they can tell applicants to show up at the beginning of the meeting and they will know within 10 minutes whether or not the Board has questions about their project. Mr. Casagrande said commercial projects will be an agenda item and they will provide more information to the ZBA about these cases.

Mr. Glennon said the Board should add this topic as an item on the next Planning Board agenda before making it a policy in case Ms. Turcotte or anyone from the public has any input on the matter. Mr. Glennon asked if the Planning Board has any statutory obligations to the ZBA, and Ms. Massard said they are obligated to make referrals to the ZBA.

Mr. Wadsworth said he has been on the Planning Board for many years and it may be helpful to add relevant information from similar cases the Board has reviewed in the past in their referrals to the ZBA.

Mr. Casagrande said they will put this topic as an agenda item for the next Planning Board meeting.

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Mr. Glennon said the deadline to apply for the vacant Planning Board position is this Friday, April 30, 2021. He asked Ms. Massard if they have received any applications. Ms. Massard said they have received one application from Kristin Rappe, who is listening in to the meeting.

Mr. Glennon said he had a few announcements from the Open Space Committee, of which he is a liaison. He said there is a town-wide litter sweep on Saturday at Tarklin 8AM to 4PM through Sustainable Duxbury. He said hiking maps are now available on the Town's main landing page, at the request of the Open Space Committee.

Mr. Casagrande said he will be reading a certificate of appreciation for Cynthia Ladd Fiorini at the Board of Selectmen meeting tonight and he will also give a brief summary of the Planning Board's activities to the Selectmen.

ZBA Referral, Special Permit: 117 Chestnut Street (ZBA Case #2021-10)

Mr. Casagrande said this is a site with two dwellings. He said nothing jumped out at him. Mr. Glennon said it was unclear whether the driveway is moving. Hoyt Cousins, the architect, said the driveway is not moving closer to the lot line.

Motion: Mr. Uitti made a motion to defer to the ZBA the special permit application for 117 Chestnut Street. Mr. MacDonald provided a second.

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

ZBA Referral, Special Permit: 10 Washington Street (ZBA Case #2021-12)

Steve Pedro, from Ayoub Engineering, said they are replacing the signs at the gas station to reflect its new ownership. He said Nouria is the new owner and the signs are internally illuminated.

Motion: Mr. Uitti made a motion to defer to the ZBA the special permit application for 10 Washington Street. Mr. MacDonald provided a second.

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

ZBA Referral, Special Permit: 1 Abrams Hill (ZBA Case #2021-13)

Mr. Casagrande said the proposal is to raze and rebuild a pre-existing second dwelling on a site that sits on the water. Emmett Sheehan, from Duxbury Designs, said the house floods almost every time the tide comes up. He said the house will be the same footprint, but they are moving it out of the floodplain.

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Motion: Mr. Uitti made a motion to defer the special permit application for 1 Abrams Hill. Mr. Wadsworth provided a second.

Vote: Mr. Glennon – 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 the minutes from April 12, 2021 as written. Mr. Uitti provided a second.

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

Other Business

Ms. Massard said she has been speaking to a resident who is interested in a noise ordinance. She asked if the Board is interested in taking it up. She said it seems like the resident is interested in looking at when companies start up their landscaping tools. Mr. Casagrande asked if the Town has any noise ordinances currently, and Ms. Massard said it does not. Ms. Massard said she can present a full packet at the next Planning Board meeting.

Mr. Casagrande said noise ordinances can be a slippery slope. Ms. Massard said they can be very specific with the ordinance. She said she has only gotten involved with noise ordinances with construction/landscaping companies. She said they could require companies to muffle their equipment.

Mr. Casagrande asked if the Building Commissioner, Jim Wasilewski is receiving a lot of noise complaints. Ms. Massard said she has not gotten a response from the Police Department yet, and the Building Commissioner is not interested in taking this up. Mr. Glennon said a noise ordinance would generally be a general bylaw amendment and they are enforced by the Police Department. Ms. Massard said it would go right on the warrant for Town Meeting and she wanted to check if the Planning Board would want to sponsor the article.

Mr. Casagrande said he would like to know how big of a problem it is before committing Planning Board time to it. Ms. Massard said she has information about equipment from other communities. Mr. Glennon said they should talk to the Police Department about the issue. He said the Planning Board should not spend a lot of time on the issue if it will not be enforced.

Ms. Massard said she will plan on meeting with the interested resident and running some ideas by them. Mr. Casagrande said instead of an ordinance staff could make a friendly suggestion to construction/landscaping companies to not start their machines until 7AM.

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Mr. Glennon said Ms. Massard is giving a Zoom presentation through the Senior Center tomorrow at 6PM. Ms. Massard said she will be speaking about Neighborhood-Business districts in other communities. She said there will be another meeting in May, and then the meetings will likely take a break for the summer and come back in the fall. She said this was a great way to get the public involved in planning during COVID-19. She said she hopes to get the Little Living report and the draft Complete Streets plan. She is also hoping to do some outreach at Hall's Corner to try to create a streetscape plan that the Town is interested in, for which they could get funding from another round of the Complete Streets grant in the future. She said she is looking at a technical assistance grant from MAPC to help facilitate that process, which would be this coming fall.

ADJOURNMENT

Motion: Mr. MacDonald made a motion to adjourn at 5:48PM. Mr. Wadsworth provided a second.

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

The next Planning Board meeting will take place on Monday, May 10, 2021 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- April 26, 2021 Agenda
- ZBA Case #2021-10: 117 Chestnut Street
- ZBA Case #2021-12: 10 Washington Street
- ZBA Case #2021-13: 1 Abrams Hill
- Draft April 12, 2021 Minutes