



# Town of Duxbury Massachusetts

## Planning Board

TOWN CLERK  
2021 JUN 15 AM 9:18  
DUXBURY, MASS.

### Minutes 5/10/2021

The Planning Board met on May 10, 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](http://www.pactv.org/duxbury) for information about Duxbury programming. To watch replays of a meeting, visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) or to watch online visit PACTV's Video on Demand at [www.pactv.org/ondemand](http://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](mailto:duxburyplanningboard@gmail.com). The public was able to watch the zoom webinar by using the following login information:

**Zoom Video Link:** [www.zoom.us](http://www.zoom.us) click "Join a Meeting"

**Zoom Phone Link:** 1-929-436-2866

**Webinar ID:** 852 7789 8854

**Password:** 204759

Present: Scott Casagrande, Chair; Brian Glennon, Vice Chair; Keith MacDonald, Clerk; Jennifer Turcotte; David Uitti; and George Wadsworth.

Absent: None.

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

Mr. Casagrande called the meeting to order at 5:01PM.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; [www.town.duxbury.ma.us/planning](http://www.town.duxbury.ma.us/planning)

## **Open Forum**

Mr. Casagrande said they have received four applications in total for the vacant Planning Board position. He said the Board needs to meet jointly with the Board of Selectmen after Annual Town Meeting. Ms. Turcotte said she believes when they went through this process in the past, the candidates were present at the joint meeting and gave brief presentations. Ms. Massard said Planning Board members can review the materials, but the information is confidential, so copies must be destroyed after reviewing.

## **Planning Board Action on ZBA Referrals**

Mr. Casagrande said they had briefly discussed this topic in the Open Forum of the previous Planning Board meeting, but Mr. Uitti suggested they discuss the topic as an agenda item when all members were present. Mr. Casagrande said most of the Zoning Board of Appeals (ZBA) Referrals are usual non-conforming scenarios, for which the Planning Board generally defers judgement to the ZBA.

Mr. Uitti had discussed in the previous meeting that he had run into a member of the Zoning Board of Appeals, who had asked him why the Planning Board spends so much time reviewing ZBA cases and writing referral memos. Mr. Uitti said the Board spends a lot of their meeting time reviewing these cases just to defer to the ZBA, and this process could be streamlined. Ms. Massard said it is required by State law and the local bylaw for the Planning Board to send their recommendations to the ZBA. She said staff could glance over the applications, and have a pre-made memo deferring to the ZBA for the Board to vote on in the beginning of the meeting in a block vote. She said the Board could call out an application that they want to discuss further at the meeting.

Mr. Casagrande said in the past, the ZBA were looking for draft decisions from the Town Planner (prior to the start of the current planning director) but there was not enough staffing, and it seems they do not have interest in that now, at least, this has not been expressed in recent years. Ms. Massard said the Planning Board typically chooses to defer. Mr. Casagrande said the majority of the referred cases the Planning Board reviews, especially in recent years, are special permits for single family residential work on legally pre-existing, non-conforming lots. Ms. Massard said other Towns have more flexible zoning than Duxbury with a variety of special permits and uses, so perhaps that is why the Planning Board has a more minimal role in ZBA cases than in other communities, and the majority of the cases, other than Comprehensive Permits or those with Site Plan Approvals, tends to be reviewing minor changes to structures on these residential legally non-conforming lots. She said when she started, direction given was that staff could write a report separate from the Board, which is something the Board could discuss. This has been done where there is a need for further documentation, such as an appeal of the Building Inspector, when suitable.

Mr. Uitti said one of the members could reach out to the ZBA and ask what kind of information they want from the Planning Board. Ms. Massard said they will also need to discuss massing and non-conforming language with the ZBA during the Zoning Bylaw recodification process.

Mr. Casagrande asked the Board how they feel about having a canned deferral memo for typical ZBA referrals and having Ms. Massard write a staff memo or draft decision for special circumstances. Ms. Turcotte said it would be a time saver, and she approves of the change, as long as the Board is allowed to call out special circumstances. Mr. MacDonald asked if this is something that would need to be discussed with Town Counsel to make sure this process would satisfy local and State regulations. Ms. Massard said this process will be fully compliant with the laws. Mr. Glennon said the Board can give it a try, and can go back to their old review process if they do not like it. Mr. Casagrande said he will also discuss the matter with the ZBA.

### **ANR Plan: 106A & 110 King Phillip's Path**

Melissa Donohoe Dixon was in attendance to represent the applicants. She said Dennis and Karen Macleod, who own 110 King Phillips Path, are selling their house. They are currently using part of 106 King Phillips Path as their front yard (Lot B). Christopher and Pamela Habel, who own 106 King Phillips Path, use the garage on 110 King Phillips Path (Lot A). The purpose the ANR plan is to convey Lot A to 106 King Phillips Path, and convey Lot B to 110 King Phillips Path to clear up any title issues before the property is sold.

Mr. Glennon said he took a drive by the site and noted that 106 King Phillip has two dwellings, and the garage on Lot A is clearly connected with and used by the house numbered 106A. He said it makes sense to move the lot line to better reflect what the land is actually used for.

Motion: Mr. Glennon made a motion to endorse the plan as Approval Not Required. Mr. Wadsworth provided a second.

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

Mr. Glennon noted the gravel drive continues northwesterly beyond the subject property, and asked whether there are houses down that street, and if their access will be affected by the land swap. Ms. Donohoe Dixon said yes, there are houses further down, and access to King Phillips Path will not be affected by the land swap. She noted that those houses also have access via Franklin Street, which intersects at the other end of the gravel drive.

### **ZBA Referral, Special Permit: 39 Shipyard Lane (ZBA Case #2021-15)**

Mr. Casagrande said this is a typical pre-existing, non-conforming ZBA referral. He said the lot coverage is good.

Motion: Mr. Uitti made a motion to defer judgement to the ZBA for the special permit filing at 39 Shipyard Lane, noting that it meets the 3% lot coverage on the addition. Ms. Turcotte provided a second.

## PLANNING BOARD MINUTES

Date: May 10, 2021

Page 4 of 4

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

### Minutes

Motion: Mr. Glennon made a motion to approve the April 26, 2021 Planning Board minutes as written. Mr. MacDonald provided a second.

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

### Other Business

Mr. Glennon said he recalls sometimes in the past the Planning Board posted an agenda for Annual Town Meeting in case there is a quorum. Ms. Massard said they only need to post one if there is something they need to meet to discuss before Town Meeting.

Mr. Casagrande asked what COVID restrictions will be in place for Town Meeting. Ms. Massard said all presentations will be verbal, there will be no Powerpoint. She said there will be several rooms set up if they need them, an HVAC system set up, and they will keep track of the votes in each room. She said there will likely also be an area set up for non-maskers.

### ADJOURNMENT

Motion: Mr. MacDonald made a motion to adjourn at 5:42PM. Mr. Uitti provided a second.

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

*The next Planning Board meeting will take place on Monday, May 24, 2021 at 5:00 PM via Zoom.*

Materials reviewed at the meeting:

- May 10, 2021 Agenda
- 106A & 110 King Phillips Path ANR Plan
- ZBA Case #2021-15 – 39 Shipyard Lane
- April 26, 2021 Draft Minutes