



# Town of Duxbury Massachusetts Planning Board

TOWN CLERK  
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DUXBURY, MASS

## Minutes 6/12/19

The Planning Board met on Wednesday, June 12, 2019 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Present: Scott Casagrande, Chairman; Brian Glennon, Vice-Chairman; George Wadsworth; Cynthia Ladd Fiorini.

Absent: David Uitti, Clerk; Jennifer Turcotte; and John Bear.

Staff: Valerie Massard, Planning Director.

Mr. Casagrande called the meeting to order at 7:02 PM.

### OPEN FORUM / COMMITTEE LIAISON REPORTS

Mr. Glennon asked the Board to observe a moment of silence for Andrea Gordon. Mr. Glennon hopes the community will continue to provide support for her family during this difficult time.

#### A.) LaCOSS SUBDIVISION APPROVAL EXTENSION

The LaCoss Road subdivision was approved on July 27, 2017 and the construction completion date is July 27, 2019. Mr. Peter DelPrete, the applicant, is requesting to extend this approval date to by two years to July 27, 2021.

Mr. DelPrete explained that there were some circumstances that prevented the construction of LaCoss Road from commencing as originally planned, but these circumstances have since worked out and he is ready to begin construction.

Mr. Glennon asked what portions of this subdivision have been completed in the last two years. Mr. DelPrete answered that some site cleanup has taken place. Mr. DelPrete said the next step is to set up a meeting with Ms. Massard for a walk-through, as that is a condition of starting construction.

Ms. Ladd Fiorini asked if the house in the front of the property will be demoed. Mr. DelPrete answered that the house was under a 6-month demolition delay waiting period but he has fulfilled his obligations to the Historical Commission and will demo the house.

Mr. Glennon asked if Mr. DelPrete anticipates finishing construction in the next two years, and Mr. DelPrete answered yes.

Motion: Ms. Ladd Fiorini moved to approve the extension request for the LaCoss Road subdivision decision dated July 27, 2017 and set to expire on July 27, 2019 for an additional two years, with construction work to be completed by July 27, 2021. Mr. Wadsworth provided a second.

Vote: 4-0, unanimous.

## **B.) COOPER HILL PERFORMANCE BOND AND LOT RELEASE**

The Cooper Hill subdivision (formerly Paddock Circle) is in progress and the applicant, Sealund Corporation, is proposing to post a performance bond and to obtain a lot release.

Mr. Mark Casey, of South Shore Survey Consultants and representing the applicant, explained that Amory Engineers has prepared a construction cost estimate for Cooper Hill and estimates that the project will cost about \$157,740 to complete. Mr. Casey said that since the estimate was prepared, the street trees have been planted.

Mr. Casey said that Mr. Sealund has submitted a bond for the amount to adequately cover the construction costs and asked that the Planning Board accept the bond and grant the lot release.

Mr. Glennon sought to confirm that the bond has been reviewed. Ms. Massard confirmed that the surety bond was executed and received by the Planning Department.

Motion: Ms. Ladd Fiorini moved to establish a performance bond account for Sealund Corporation to complete the construction of Cooper Hill Road based on the cost estimate provided by Amory Engineers dated May 8, 2019, in the amount of \$157,740. Mr. Wadsworth provided a second.

Vote: 4-0, unanimous.

Motion: Ms. Ladd Fiorini moved to release all lots under covenant in the Cooper Hill Road subdivision. Mr. Wadsworth provided a second.

Vote: 4-0, unanimous.

## **C.) ZBA REFERRAL, SPECIAL PERMIT: 1518 TREMONT STREET, DUNKIN DONUTS**

The Dunkin Donuts at 1518 Tremont Street is requesting to erect a freestanding sign with illumination.

Mr. Glennon excused himself from this matter as his company competes with Dunkin Donuts.

The proposed sign is a triangular shape and is planned for the corner of the property. The applicant said he met with the Design Review Board (DRB), and the DRB thought that two smaller, double-sided signs at the entrance and exit would be a better design. The DRB felt that a larger sign at the corner could be distracting in the busy intersection, and also that the sign is too "billboard like". The applicant said that this proposal will be revised and will most likely return to a future meeting.

Ms. Ladd Fiorini asked about the additional "slots" on the sign, and the applicant answered that those would provide display space for the other tenants of the building in a sort of directory style, if other tenants are interested. Ms. Ladd Fiorini suggested that there ought to be some sort of agreement amongst the building tenants first, to avoid having the sign left with empty spaces.

Ms. Ladd Fiorini said that in her opinion, the corner is not the best spot for the sign and that perhaps one on Tremont and one on Enterprise would be better.

Motion: Ms. Ladd Fiorini moved to defer judgement to the Zoning Board of Appeals for the Special Permit request of 1518 Tremont Street, Dunkin Donuts, to erect a freestanding sign with illumination, with the recommendation that the large sign be broken into two smaller signs at the entrance and exit, and with the buy-in of all the other tenants to fill space on the sign, and to heed the advice of the Design Review Board. Mr. Wadsworth provided a second.

Vote: 3-0-1, with Mr. Glennon abstaining from the discussion.

#### **D.) ZBA REFERRAL, SPECIAL PERMIT: 46 DEPOT STREET, BROTHERS MARKETPLACE**

The applicant proposes to demolish and reconstruct signage with illumination.

Attorney Robert Galvin, representing the applicant, said the signs will be illuminated with a gooseneck fixture, the least obtrusive lighting as it is facing down. Mr. Galvin added that the tree growth on Depot Street makes it hard to see the existing signage. Also, the existing signage is nonconforming.

Mr. Galvin said the sign was designed to stay with the character of the town. Mr. Casagrande said the signs appear to be conforming to the bylaw.

Mr. Glennon was concerned about the height of the monument sign and its effect on the sight distance on Depot Street. Mr. Galvin answered that a survey was done to determine the most appropriate size and height for the sign.

Motion: Ms. Ladd Fiorini moved to recommend approval to the ZBA for the Special Permit request of 46 Depot Street, to remove and reconstruct existing signage with illumination, with the possibility of raising the sign to appropriate sight distances. Mr. Glennon provided a second.

Vote: 4-0, unanimous.

## **E.) OTHER BUSINESS**

### **CHAPTER 61A LAND: 761 Temple Street**

The Harrington property at 761 Temple Street is requesting a release from Chapter 61A. Ms. Massard said that the town does not have the money to buy the property, so she is recommending that the town does not exercise the right of first refusal.

Ms. Shelia Lynch-Benntinen, of West Street and representing the Historical Commission, explained that the property at 761 Temple Street is historically significant. Ms. Lynch asked the town put a delay period on the release of this property from Chapter 61A and give the Historical Commission an opportunity to study it. Ms. Massard and Mr. Casagrande advised Ms. Lynch to submit her request to the Selectmen, as they will ultimately make the decision, and there is no delay under Chapter 61A – the town has a limited time to act based on state statute.

Motion: Mr. Glennon made a motion to recommend to the Board of Selectmen that the town does not exercise the right of first refusal for the 761 Temple Street property, with the consideration that many in the town are interested in preserving the property for its historical importance. Ms. Ladd Fiorini provided a second.

Vote: 4-0, unanimous.

**MINUTES:** Ms. Ladd Fiorini moved to approve the minutes of 4/10/19, 4/24/19, and 5/8/19, and Mr. Glennon provided a second. The minutes were approved by a vote 3-0-1 with Mr. Wadsworth abstaining.

**CONSTRUCTION COST ESTIMATES:** The Planning Board agreed they would like to see more details in the cost estimates, and would like the formatting to be more legible.

## **ADJOURNMENT**

Motion: Ms. Ladd Fiorini made a motion to adjourn at 8:05 PM, and Mr. Wadsworth provided a second.

Vote: 4-0, unanimous.

*The next Planning Board meeting will take place on Wednesday, June 26, 2019 at 7:15 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.*

Materials reviewed at the meeting:

- Written request for subdivision approval extension: LaCoss Road

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- Performance Surety and Lot Release: Cooper Hill Road
- ZBA Referral: 1518 Tremont
- ZBA Referral: 46 Depot
- Ch. 61A, ROFR: 761 Temple Street
- Construction Cost Estimates May 2019
- Planning Board Minutes: 4/10/19, 4/24/19, and 5/8/19

