



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2020 JUL 28 AM 10:59
DUXBURY, MASS.

Minutes 6/29/20

The Planning Board met on June 29, 2020 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. For this meeting, members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15 – which will be available via video on-demand through PACTV's website <https://www.pactv.org/pactv/towns/duxbury/duxbury>

DURING THE PUBLIC HEARING, MEMBERS OF THE PUBLIC WERE PERMITTED TO JOIN THE ZOOM USING THE INFORMATION BELOW:

Join Zoom Meeting

<https://pactv.zoom.us/j/93650141676?pwd=eE5OeWdlMDMvVTY3dkdPVHlOVHRuQT09>

Meeting ID: 936 5014 1676

Password: 576734

+1 929 205 6099 US (New York)

Every effort was 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.

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

Absent: Jennifer Turcotte and David Uitti, Clerk.

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

Mr. Casagrande called the meeting to order at 5:04PM.

5:05 PM - Public Hearing: Evergreen Terrace Subdivision

Ms. Massard said that after the Board opens the public hearing, the public will be asked to identify themselves, and after the Board speaks, they will be called on by name and will be asked to limit their time to around three minutes. She also reminded participants that the zoom is being recorded and that they will be visible to the public if their video is turned on.

Motion: Ms. Ladd Fiorini made a motion to waive the public hearing notice. Mr. Glennon provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Mr. Glennon asked how the Board should proceed with only having four members present. Ms. Massard said that some members were unexpectedly unavailable for the meeting tonight. Ms. Massard said that the Board could choose to continue the public hearing to July 13 at 5PM. She said that the project would need four supporting members and it is up to the applicant if they would like the public hearing to be continued.

Mr. Brad McKenzie, of McKenzie Engineering Group, said that he thought it would be wise to continue the public hearing. Ms. Massard said that the Planning Board members and some abutters would like paper copies of the plans. She said that she does not know how much discussion about the project should be had. Mr. McKenzie said that he would prefer that major discussion be held off until the continued public hearing.

Ms. Massard told the abutters that were in attendance at the meeting that the plan in summary is to turn one single unbuildable lot into two building lots by building a short roadway. Abutters Mr. Jeff Connolly of 30 Driftwood Drive and Mr. Todd Westerman of 190 Evergreen Street said that they would like to be sent paper copies of the plans. Ms. Massard also directed the abutters to the Dropbox information on the Town website to download the application materials.

Mr. Glennon told the abutters that continuing the public hearing is just procedural and for the betterment of the process since it is a seven member Board and only four members are present.

Motion: Ms. Ladd Fiorini made a motion to continue the public hearing to Monday, July 13, 2020 at 5PM. Mr. Glennon provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

ZBA Referral: Special Permit - Duxbury Marketplace/35 Depot Street (ZBA Case #2020-07)

The applicant proposes to implement uniform gooseneck lighting to signs of businesses. Mr. Casagrande said that the lighting is typically what is seen now, since Duxbury does not allow back-lit signs.

Ms. Jessica Williams, of Williams Design Studio, said that the lighting is the same as at Millbrook Marketplace. She said that new signs will be put up, which should fit the requirements within the bylaw, but ZBA approval is needed for the new lighting.

Ms. Ladd Fiorini asked if there is currently lighting on the signs. Ms. Williams said that there may be some on signs of individual tenants, but they are implementing a new system of lighting and area for signage to be consistent. Ms. Massard told the Board that Duxbury Marketplace is across the street from Brothers Market.

Motion: Ms. Ladd Fiorini mad a motion to recommend approval of the special permit request to the Zoning Board of Appeals. Mr. Wadsworth provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

ZBA Referral: Variance - 13 Lewis Court (ZBA Case #2020-08)

The applicant proposes a second point of egress be added to the newly-built house.

Mr. Glennon said that the stairs on the side yard are proposed and they encroach onto the side yard. He asked when the house was built and if it was pursuant to a special permit. The homeowners, Ms. Jacqueline Wolff and Mr. Kenneth Wolff, said that the building permit was approved in 2019, the house was built, and in February the building inspector said that they needed a second point of egress. Ms. Wolff said that the house was approved with only one set of stairs.

Mr. Wolff said that there used to be a small ADA ramp in the same place the new set of stairs is proposed. Mr. Casagrande said that the ramp encroached before but disappeared when the new house was built. He said that if the applicants can show where the ramp was before it should be acceptable and counted as an additional non-conformity.

Ms. Ladd Fiorini asked if the ramp was there when the original house was torn down and Ms. Wolff said that it was. Ms. Massard said that the ramp was probably shown on the plans for the building, and it would have been exempt from zoning due to it being an ADA ramp.

Mr. Peter Stames, the engineer, said that the house was designed as it stands and it made it through permitting, and it was only at final inspection they were told they needed a second point of egress. He said that the only location is on the left side of the deck. Mr. Stames said he submitted a plot plan with the original application that showed the ramp, however, the staircase encroaches a little bit more than the ramp.

Mr. Wadsworth said that the Zoning Board of Appeals has strict restrictions on variance. Mr. Casagrande said that the house is already encroaching, so he suggested that the applicants should file for an amendment to the special permit, which has achievable standards where the test of

having a variance granted may not be met. Mr. Glennon asked how much larger the new house is than the original house. Mr. Stames said that they both have the same footprint.

Mr. Wadsworth said that they should defer to the ZBA. Ms. Massard said that the ZBA will have to decide whether they want to continue with it advertised as a variance or re-advertise as a special permit modification. Mr. Glennon said that the most appropriate path forward is to defer to the ZBA and point out that it should be an amendment to the existing special permit rather than a variance. He also told the applicants to be prepared with other options for the ZBA. Mr. Casagrande suggested that the neighbors write letters in support or attend the ZBA public hearing.

Motion: Mr. Glennon made a motion to defer to the ZBA the variance request, with a note that it appears it should be an amendment to a special permit. Mr. Wadsworth provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Cooper Hill Road - Performance Bond Reduction

Ms. Massard said that the engineers have done a lot of work on the Cooper Hill Road subdivision. She said that their bond is up for renewal. She said that the rest of the work that needs to be completed is estimated at \$73,290, which is less than Amory's original estimate.

Motion: Mr. Glennon made a motion to reduce performance bond #565140 dated June 4, 2019 for Cooper Hill Road from \$157,740 to \$73,290. Ms. Ladd Fiorini provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Administrative: Cushing Drive

Ms. Massard said that the Board has a subdivision as-built plan, the subdivision is accepted and complete, and the road has been accepted as a public way. She said that someone is getting ready to build a new house and there was a question about moving (reducing) the drainage easement.

Ms. Massard said that she is doing the work on behalf of the DPW to assist the applicant with the process of modifying the easement through the town, and the easement change has been reviewed and deemed acceptable without impacting the drainage functions by Amory Engineers. She said that she is going to recommend that the Selectmen accept the changes to the easement on behalf of the DPW, and was presenting this as advisory to the Planning Board.

Mr. Casagrande said that the drainage easement is small. Ms. Massard said that there is a pipe running through the easement, but the proposed site of the house is not close to the pipe. Mr. Wadsworth said that there is a dirt roadway into the easement for maintenance purposes that is not shown on the plan. Ms. Massard said that she is showing the plans to the Board as an FYI

before taking it to the Board of Selectmen and the applicant is paying for the engineering review, and that this is the last remaining lot for construction in the subdivision.

Discussion: COVID-19 Update on Businesses

Ms. Massard said that it is estimated in the article from the Massachusetts Municipal Association, in their packets, that Massachusetts will lose at least 30% of existing retail due to COVID-19. She said that the Planning community and the State are looking for ways to keep the businesses alive and the Selectmen are looking at letting restaurants reopen with changes for now during the public health crisis. She said the planning community, at large, is starting to embrace review of zoning in light of the pandemic.

Ms. Massard said that the Town received a DLTA OCPC grant to do a parking study in 2020 in NB districts in Town, but with COVID 19 the patterns are completely changed with the lockdowns and this project has been put on hold. There was discussion of alternatives that might be chosen for the grant, such as to do a survey of businesses in Duxbury, Marshfield, Plymouth, Scituate, etc. about how retail is being impacted.

Mr. Wadsworth said that businesses are being affected by the virus, but once the virus goes away businesses will look different, so he does not know if studying it during this extreme situation is worth the time. Mr. Casagrande said that some of the more popular businesses in Duxbury have managed to stay popular, and the State has provided some funding for small businesses.

Mr. Glennon asked about the purpose of the grant and Ms. Massard said that the grant was to study parking during summer conditions in the three larger business districts – Snug Harbor, Halls Corner and Millbrook, as a complementary study while doing the Complete Streets Plan. Mr. Casagrande said that it is still difficult to park in Snug Harbor.

Mr. Glennon said that he would be interested to know how COVID-19 is going to affect the Comprehensive Plan and some things in the Zoning Bylaw may already need to be changed. Mr. Casagrande said that walkability was a top concern for residents and there seem to be more people walking around during the pandemic.

Ms. Massard said that several towns on the South Shore are currently working with MAPC to go update their Comprehensive Plan and talk about how COVID-19 is affecting their plans, and she is participating with these communities and will bring back how these conversations are leading as they continue. She also told the Board that the Town has applied this year for a Green Communities Grant, a Coastal Zone Management (CZM) Grant, and Municipal Vulnerability Preparedness (MVP) Grant for the upcoming fiscal year.

Invoices

Motion: Ms. Ladd Fiorini made a motion to approve KP Law, P.C. invoices #126057 and #126410 for zoning recodification. Mr. Glennon provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

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Motion: Ms. Ladd Fiorini made a motion to approve Merrill Corp. invoice #9465 for McLean's Way. Mr. Glennon provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Mr. Glennon said it was helpful seeing the breakdown of hours.

Motion: Mr. Wadsworth made a motion to approve Amory Engineers, P.C. invoice #15399D for 116 Tremont Street. Mr. Glennon provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Motion: Ms. Ladd Fiorini made a motion to approve Amory Engineers, P.C. invoices #15399C and #15384C for Dogwood Drive. Mr. Glennon provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Motion: Mr. Glennon made a motion to approve Amory Engineers, P.C. invoices #15384B and 15399B for Evergreen Terrace. Ms. Ladd Fiorini provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

Minutes

Motion: Mr. Glennon made a motion to approve the minutes from June 1, 2020 as written. Ms. Ladd Fiorini provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

ADJOURNMENT

Motion: Ms. Ladd Fiorini made a motion to adjourn at 6:32PM. Mr. Utti provided a second.

Vote: Ladd Fiorini - Aye; Glennon - Aye; Wadsworth - Aye; Casagrande - Aye.

The next Planning Board meeting will take place on Monday, July 13, 2020 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- Agenda June 29, 2020
 - Public Hearing Notice: Evergreen Terrace
 - Staff Report: Evergreen Terrace
 - Evergreen Terrace Definitive Subdivision Application dated March 31, 2020
- 878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; www.town.duxbury.ma.us/planning

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- Evergreen Terrace Environmental Impact Report dated March 16, 2020 and revised June 1, 2020
- Evergreen Terrace Definitive Subdivision Plans dated March 16, 2020 and revised June 1, 2020
- Evergreen Terrace Stormwater Report dated March 16, 2020 and revised June 1, 2020
- Email Correspondence RE: Evergreen Terrace- DPW and Water Department
- Amory Review Letters: Evergreen Terrace - April 28, 2020 and June 23, 2020
- McKenzie Engineering Response Letter to Amory Engineers - June 1, 2020
- ZBA Case #2020-07
- ZBA Case #2020-08
- Amory Engineers Cooper Hill Subdivision Cost Estimate: May 8, 2019
- Amory Engineers Cooper Hill Subdivision Cost Estimate: June 9, 2020
- Commonwealth Magazine Article: Many businesses closed by COVID are not coming back
- KP Law Zoning Recodification Invoices #126057 and #126410
- Merrill Invoice #9465
- Amory Engineers Invoices: #15384B, #15384C, #15399B, #15399C, and #15399D
- Draft Minutes June 1, 2020