



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2022 SEP -8 AM 8:13
DUXBURY, MASS.

Minutes 8/8/2022

The Planning Board met on August 8, 2022 at 6:00PM in the large classroom, second floor, Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Present: Brian Glennon, Vice-Chair; Keith MacDonald, Clerk; Kristin Rappe; Jennifer Turcotte; and David Uitti.

Absent: Scott Casagrande, Chair; and George Wadsworth.

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

Mr. Glennon called the meeting to order at 6:04PM.

Open Forum

Mr. Glennon welcomed Chris Ryan to the Planning Department.

Mr. Glennon told the Board that Susan Hunter from the Clipper asked him questions about building heights and the raising of structures for an article she is writing about the future of zoning in Town. He answered her questions with his own opinions, not on behalf of the Planning Board.

Administrative Items

ZBA Case #2022-16 & #2022-17: 339 Powder Point Avenue

Mr. Glennon noted that the Board received a Planning Director report before the meeting analyzing the cases. Bob Galvin, attorney for the applicants; Richard & Nancy Kelleher, homeowners; and Peter Bickford, contractor; were in attendance.

Mr. Galvin said the Kellehers own the property directly behind the site, and they bought 339 Powder Point Ave to protect the neighborhood. The applicants almost completed the home, and received a temporary occupancy permit. A 500-square foot addition to the property tipped the building to over 15% coverage. The Zoning Enforcement Officer denied the occupancy permit and issued a temporary occupancy permit.

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Mr. Galvin argued that the Zoning Bylaw needs to be read as a cohesive document. He does not think the decision is consistent with the Shipyard Lane decision in March, which concluded that the right of way was included in the lot area. Mr. Galvin read the definition of “lot” from the Zoning Bylaw. He stated that the property includes a portion of Crooked Lane in its ownership area; the homeowners own to the center of the way and a 15-foot easement on the opposite side. He said it is a private way closed to the public with no public services.

At a prior meeting, the Zoning Enforcement Officer told Mr. Galvin he would be supportive of a variance application.

Mr. Galvin and Planning Board members discussed the definition of lot area in the Zoning Bylaw. Mr. Kelleher told the Board that he and his wife bought the house to protect the character of the neighborhood. He said they were not aware there was an issue with the plans until the as-built plans were submitted.

Motion: Ms. Rappe made a motion to defer judgement on ZBA Cases #2022-16 and #2022-17 to the Zoning Board of Appeals & Town Counsel, and to support the granting of a variance from the definition of “coverage” in Section 410.4 of the Zoning Bylaw that requires building coverage to be no more than 15% of the total lot area of the lot. Ms. Turcotte provided a second.

Vote: 5-0, unanimous.

ZBA Case #2022-15: 1 Bradford Road

Mr. Ryan said the proposal reduces the extent of the non-conformity.

Motion: Ms. Rappe made a motion to defer judgement to the Zoning Board of Appeals for Case #2022-15. Ms. Turcotte provided a second.

Vote: 5-0, unanimous.

Invoices

Motion: Mr. Uitti made a motion to approve Amory Engineers, P.C. invoice #15939A in the amount of \$156.00 for construction inspection services for the Dogwood Drive subdivision, and to approve Amory Engineers, P.C. invoice #15939B in the amount of \$156.00 for construction inspection services for the Hawthorn Hill subdivision. Ms. Turcotte provided a second.

Vote: 5-0, unanimous.

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Motion: Mr. MacDonald made a motion to approve the minutes of July 25, 2022 as written. Ms. Rappe provided a second.

Vote: 5-0, unanimous.

Comprehensive Plan Implementation

Mr. Ryan explained proposed formatting edits he would like to make to the Implementation Table working document for the Board to track their progress, including numbering action items, color coding, adding columns for timeline, etc.

Mr. Uitti reminded the Board that he and Tag Carpenter, of the Historical Commission & Community Preservation Committee, are working on a draft letter to Town Boards and Committees from the Selectboard and Planning Board, asking the groups to prioritize action items they are responsible for.

Mr. Ryan asked for guidance about items in which Planning Board is listed as the lead but there are other groups listed as responsible. He asked if the Planning Board should take charge of the task and review with the other groups, or work in concert with the other groups for the whole process. Mr. Uitti said he thinks the Planning Board should be considered the main lead in these situations since Comprehensive Plan implementation is one of their top priorities. Mr. Ryan will also add a line to the memo stating that the Planning Director may in contact with the groups regarding who will lead for each task.

Zoning Recodification

Mr. Ryan said he will send Town Counsel a reminder to review the footnoted zoning recodification working document sent by Valerie Massard, former Planning Director. The Board confirmed that they will do an internal review of the document before sharing with stakeholders and the rest of the Town. The Board will discuss splitting the document into sections for members to review at their next meeting.

Planning Director Report

Mr. Glennon noted that this will be a standing item on agendas going forward.

Mr. Ryan said General Code Corporation has a web-based service called eCode360, which can host the Town's Zoning Bylaw, other bylaws, and rules and regulations online in a more accessible, searchable, and cross-referenced format. This platform hyperlinks to other sections, documents, websites, etc. and will make it easier for Town staff and the public to navigate these documents, download pages, and other functions. Mr. Ryan said he would like to set up a demonstration for interested Town officials with representatives from the company to see if they are interested in the service.

Mr. Ryan spoke to the Traffic Safety Committee about Complete Streets projects in Town. The Committee would like solar powered speed limit signs implemented. He also was given a tour of proposed project locations by Tom Nee from the Sidewalk and Bike Path Committee. Mr. Ryan said the owner of the Oysterman is interested in potentially funding the engineering for the St.

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George Street intersection project. He said he is working with the acting Town Manager to set up an RFP working group for engineering for the Washington Street sidewalk project, so they can hopefully apply for Complete Streets funding in the Spring.

Mr. Ryan said Duxbury has three projects in the Transportation Improvement Plan (TIP). These projects are for stoplights at Exit 20 on Route 3, and two projects for the replacement of Powder Point Bridge.

Mr. Ryan said he met with Valerie Massard and Friend Weiler to look at the seawall. He said he was asked by the acting Town Manager to come up with a timeline for the project, working with Pat Brennan from Amory Engineers, P.C.

Ms. Rappe thanked Mr. Ryan for putting together the budget narrative for the Department and sharing it with the Board. Mr. Ryan noted that he is open to other thoughts and suggestions for the budget.

ADJOURNMENT

Motion: Mr. Uitti mad a motion to adjourn at 7:10PM. Mr. MacDonald provided a second.

Vote: 5-0, unanimous.

The next Planning Board meeting will take place on Monday, August 22, 2022 at 6:00PM in the large classroom on the second floor of the Senior Center.

Materials reviewed at the meeting:

- August 8, 2022 Agenda
- ZBA Case #2022-15: 1 Bradford Road
- ZBA Cases #2022-16 & #2022-17: 339 Powder Point Avenue
- Amory Engineers, P.C. Invoices #15939A & #15939B
- Draft Minutes July 25, 2022
- Draft Zoning Bylaws Administrative Cleanup and Maps Amendment with footnotes