



# Town of Duxbury Massachusetts

## Planning Board

TOWN CLERK  
2023 JUN 13 AM 8:59  
DUXBURY, MASS.

### Minutes 5/8/2023

The Planning Board met on May 8, 2023 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Pursuant to Chapter 2 of the Acts of 2023, this meeting was conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Members of the public who wish to watch a replay of the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) for information about Duxbury programming including streaming on Duxbury YouTube, to watch replays and Video on Demand.

Present: Scott Casagrande, Chair; Kristin Rappe, Vice Chair; Keith MacDonald, Clerk; and David Utti.

Absent: Wayne Dennison and Jennifer Turcotte.

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

Mr. Casagrande called the meeting to order at 6:01PM.

### Open Forum

No one from the Board, staff, or public brought anything forward during the open forum.

### *ADMINISTRATIVE ITEMS*

#### **Invoices**

Mr. Ryan explained that they received updated invoices from Vanasse & Associates, Inc. with a more-detailed description of work performed. Mr. Casagrande said going forward, staff should ask companies to provide details on the work performed if not already provided.

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Motion: Ms. Rappe moved to approve Vanasse & Associates, Inc. Invoice #42786, dated March 10, 2023. Seconded by Mr. MacDonald.

Vote: 4-0, unanimous.

**Minutes**

Motion: Ms. Rappe moved to approve the minutes of April 24, 2023 as written. Seconded by Mr. Utti.

Vote: 4-0, unanimous.

**Continued Public Meeting: Bluefish River Tavern Site Plan Review**

The item will be continued to the next Planning Board meeting, and the applicants will be submitting revised materials before the meeting. Mr. Ryan instructed the Board to sign a mutual extension form to extend the deadline to file the decision to June 23, 2023.

The public meeting is continued to Monday, May 22, 2023 at 6:06PM.

**MacFarlane Farms Subdivision Performance Bond**

Mr. Casagrande said this is an old subdivision that was never completed. The remaining work that needs to be completed includes the top course of pavement, stop line, bounds, and an as-built plan. Mr. Ryan explained that Pat Brennan provided a description outstanding work. He said the amount remaining in the surety may not be able to cover what needs to be completed.

The bond was reduced in 2014 based on work completed at that time. There is \$10,260 plus accrued interest remaining from the performance bond, which is likely not enough to complete the remaining work as development costs have increased.

Mr. Ryan said the Board could proceed and seek to cash the bond and have the DPW or a contractor complete the remaining work, or they could ask Town Counsel if they have any other legal course to complete the remaining work on the site.

Mr. Utti said Town Counsel outlined a process to seize the bond in an email dated February 9, 2023. He said the Town has grounds to take the bond, and the next step is to talk to the Homeowner's Association about what they would like to do. Mr. Casagrande agreed that the Board should contact the Homeowner's Association to see if they would like the bond turned over to them.



Motion: Mr. Uitti moved to seize the remaining surety held for the MacFarlane Farms subdivision to complete the outstanding work as outlined by Engineer Patrick Brennan on March 6, 2023; to notify the Homeowner's Association that these funds have been obtained; and, subject to Town Counsel's approval, release the funds to the Homeowner's Association. Seconded by Ms. Rappe.

Mr. MacDonald asked if there could be any legal recourse if the bond is considered to be insufficient for the remaining work. Mr. Uitti said, in his opinion, there is no recourse against the Town, but there could be recourse against the developer for not completing work to the standards of the Planning Board.

Vote: 4-0, unanimous.

### **Fee Schedule**

Mr. Ryan said at the last meeting, he came up with a list of fees that should be changed and fees that are needed for applications that there are currently no fees for. His recommended fees are in the listed in the Board Report.

Motion: Mr. MacDonald moved to recommend the set of proposed fees, as referenced in the Board Report, to be considered by Finance Committee and to allow the Planning Director to compose a memo conveying this to the Finance Director. Seconded by Mr. Uitti.

Vote: 4-0, unanimous.

### **MBTA Communities**

Mr. Ryan told the Board that consultant, J.M. Goldson, is working on their evaluation of potential MBTA Communities zones for the Town. He suggested to the Board that they remove the two most sensitive areas from the proposed district, and they can potentially use a master planning process for those areas in the future.

The Board discussed potential sites, and decided to move forward with three sites that could be suitable for multi-family housing. The Board and staff discussed public outreach and decided that staff will reach out to the property owners of the sites they are considering.

Mr. Ryan informed the Board that they could create different zoning districts with differing density and design criteria if desired. Ms. Rappe asked if they could have an incentive for property owners to have housing and commercial on the sites, and Mr. Ryan replied that they could provide incentives for commercial use but the Town cannot require that commercial use for these zones.

Mr. Ryan reminded the Board that these zones will need to be approved at Annual Town Meeting.

### **Zoning Recodification**

Mr. Ryan said an editor from General Code is working on the recodification process of the Zoning Bylaw, and the Town is expected to have an initial analysis document by June 2.

### **Comprehensive Plan Implementation**

Mr. Ryan informed the Board that 12 task “owners” have not yet responded with their group’s status on tasks in the Envision Duxbury Implementation Table.

Staff is meeting with the Chair and Vice Chair this week to do an initial review of Planning’s tasks in the Implementation Table before the Board’s working session at an upcoming meeting.

Mr. Ryan said he will follow up with the Town Manager regarding a workshop for task owners.

### **Planning Director’s Report**

Mr. Ryan informed the Board that the Complete Streets project is moving forward.

Mr. Ryan informed the Board that OCPC’s intersection safety report was completed. He said the Highway Safety Committee has asked for another intersection analysis for Hall’s Corner, and OCPC has agreed.

Mr. Ryan said he has suggested some questions for interviewing potential Planning Board applicants in his Board report and told the Board to provide any additional questions they would like to ask. Staff will check in with Human Resources regarding interview questions for prospective Board members. The Board discussed the possibility of evaluating the candidates in an executive session.

The Board discussed the several committees that do not currently have a Planning Board liaison. This will be addressed at an upcoming meeting after the new member is appointed.

### **Adjournment**

Motion: Mr. Uitti moved to adjourn at 6:56PM. Seconded by Ms. Rappe.

Vote: 4-0, unanimous.

Materials reviewed at the meeting:

- May 8, 2023 Agenda
- Vanasse & Associates Inc. Invoice #7643

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)

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- Draft Minutes April 24, 2023
- Planning Board Letter to Steven Vazza RE: MacFarlane Farms Subdivision dated April 10, 2023
- Town Counsel Email RE: MacFarlane Farms Subdivision dated February 9, 2023
- PGB Engineering Review Letter RE: MacFarlane Farms Subdivision dated March 6, 2023
- Certificate of Notification Definitive Subdivision Plan MacFarlane Farms dated August 27, 2010
- Horsley Witten Group Letter RE: MacFarlane Farms Definitive Subdivision – Cost to Complete (Second Review) dated November 19, 2014
- Plans entitled “Definitive Subdivision Plan to be Known as MacFarlane Farms (Assessor’s Map 20A, Lot 9) 180 High Street Duxbury, Massachusetts”, prepared for Olde Kings, LLC; prepared by McKenzie Engineering Group, Inc. 150 Longwater Driver Suite 101 Norwell, MA 02061; dated February 15, 2010 and revised through July 26, 2010; three sheets.
- Finance Director Memo RE: Departmental Fees dated April 18, 2023
- Fee Schedule Spreadsheet titled “Copy of Current Fees Planning – Including Questions from Memo v2”
- Map of Potential Sites for MBTA Communities Zoning
- Director of Planning Duxbury, MA Board Report dated May 8, 2023