



# Town of Duxbury Massachusetts Planning Board

## Minutes 09/14/09

The Planning Board met in the Duxbury Town Hall, Lower Level, Small Conference Room on Monday, September 14, 2009 at 7:00 PM.

Present: Amy MacNab, Chairman; Brendan Halligan, Clerk; Josh Cutler, and George Wadsworth

Absent: John Bear, Vice-Chair; Cynthia Ladd Fiorini, and Harold Moody

Staff: Thomas Broadrick, Planning Director; and Diane Grant, Administrative Assistant.

Ms. MacNab called the meeting to order at 7:05 PM.

### OPEN FORUM

Open Forum was deferred until later in the meeting.

### ANR PLAN OF LAND: 0 & 692 UNION STREET / JOHNSON & VANCHERI

Present for the discussion to represent the applicant, at the Board's request, was Mr. Bernard E. Munro, Sr. Mr. Munroe stated that he is the surveyor who prepared the ANR plan and also a Land Clearing plan that had been submitted to the Planning office on September 2, 2009.

Mr. Munroe stated that the purpose of the ANR is to correct a situation where it was discovered that a fence and shed had been placed on Mr. Johnson's property in error. Following ANR approval, a small portion of land will be conveyed to the neighbor, Mr. Vancheri. Mr. Broadrick noted that the applicant can file an 81X plan after the land is conveyed in order to combine the new parcel with Mr. Johnson's existing lot.

Ms. MacNab asked about extensive land clearing that has recently occurred on the property. Mr. Munroe stated that he had prepared a plan based on approximately 22,000 square feet of wooded area that had been recently cleared in order to construct a dwelling, leaving about 55 feet of wooded area behind the dwelling. Ms. MacNab noted that it appears as though the lot has been cleared completely, advising him that if 30,000 square feet or more of land clearing is proposed, it requires a special permit through the Planning Board. At Ms. MacNab's request, Mr. Munroe explained the Land Clearing plan to Board members.

Board members noted that the plan appears to have adequate area and frontage, as required under Subdivision Control Law.

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

**MOTION:** Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to endorse a Plan of Land entitled, "Plan of Land, Union Street in Duxbury, MA, prepared for Edward Johnson, P.O. Box 359, Hanson, MA 02341," dated June 22, 2009 and stamped by Bernard E. Munroe, Sr., PLS, as not requiring approval under Subdivision Control Law.

**VOTE:** The motion carried unanimously, 4-0.

Board members signed the mylar and two paper copies of the ANR plan. Mr. Munroe advised the staff that he would pick up the mylar at the Planning office the following day.

**ANR PLAN OF LAND: 313, 0 & 335 EAST STREET AND 25 COLES ORCHARD ROAD / GREGSON, HALE AND HARASIMOWICZ**

Present for the discussion were the applicants' representatives, Mr. Joseph Webby, PLS, and Ms. Marilyn Murphy, realtor. Mr. Webby advised the Board that 313 East Street is under agreement. Two abutters would like to purchase portions of the original 2.78 acre lot. Ms. MacNab advised Mr. Webby that an 81X perimeter plan could be filed at the Registry of Deeds to combine the conveyed lots. Board members confirmed that the buyers' lots have adequate frontage.

**MOTION:** Mr. Halligan made a motion, and Mr. Cutler provided a second, to endorse a Plan of Land entitled, "Plan of Land in Duxbury, Mass. Prepared for Richard & Janet Gregson," dated September 8, 2009 and stamped by Joseph E. Webby, RLS, as not requiring approval under Subdivision Control Law.

**VOTE:** The motion carried unanimously, 4-0.

Board members signed the mylar and two paper copies of the ANR plan and released the mylar to Mr. Webby.

**ZBA REFERRAL: 237 WASHINGTON STREET / STEINKE**

No one was present to represent this special permit application to demolish an existing second floor and to construct a one and a half story addition above the first floor. Ms. MacNab noted that the proposed addition is very large for such a small lot (.10 acres). Board members agreed that the proposed plans appear to create mansionization of a small lot. Mr. Broadrick noted it is a vertical extension on an existing footprint.

Mr. Halligan noted that although an existing floor plan is not included in the special permit application, it appears from Assessor's records that there would be an increase from three to four bedrooms.

**MOTION:** Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit application for 237 Washington Street / Steinke, recommending that the Zoning Board of Appeals consider the following issues:

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- The interior layout appears to create four potential bedrooms
- Adding two stories to a 4,792 square foot lot would create massing issues on a small lot.

**VOTE:** The motion carried unanimously, 4-0.

## **WORK SESSION**

Duxbury Comprehensive Plan Update: Board members reviewed a staff memorandum and noted that staff will be revising the update schedule to accommodate a change in Planning Board meeting dates.

## **OTHER BUSINESS**

### Meeting Minutes:

**MOTION:** Mr. Halligan made a motion, and Mr. Cutler provided a second, to approve meeting minutes of August 24, 2009 as written.

**VOTE:** The motion carried unanimously, 4-0.

Meeting with Town Counsel: Mr. Broadrick noted that he will be meeting with Town Counsel, Atty. Robert S. Troy next week to discuss a list of outstanding Planning Board issues. Ms. MacNab advised Mr. Broadrick that she has information regarding pending litigation. Rather than add to taxpayer expense with a phone call to Town Counsel, she will submit a letter that could be transmitted to Town Counsel on her behalf.

95 Tremont Street (Medical Building): Mr. Wadsworth reported that an expanded parking lot has been constructed and is under use, without the knowledge or inspection by the Director of Inspectional Services. Mr. Broadrick noted that the applicant, Dr. Scott Oliver, has set an appointment to meet with him and Mr. Scott Lambiase, the Director of Inspectional Services. Mr. Broadrick advised the Board that he inspected the property recently and the project has not been constructed according to the Administrative Site Plan Review approved plans and special permit.

Ms. MacNab expressed her displeasure that the applicant did not schedule a preconstruction meeting as required in their Site Plan Review decision and that they apparently constructed the new parking area without reviewing the conditions of approval. Mr. Broadrick noted that there was no building permit required, which left the Director of Inspectional Services out of the loop. Mr. Broadrick will update the Board at its next meeting.

## **ADJOURNMENT**

The Planning Board meeting adjourned at 8:03 PM. The next meeting of the Planning Board will take place on Monday, September 28, 2009 at 7:00 PM at Duxbury Town Hall, Small Conference Room, lower level.

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