



TOWN CLERK
13 NOV 29 AM 11:05
Town of Duxbury
Massachusetts DUXBURY, MASS.
Planning Board

Minutes 10/28/13

The Planning Board met on Monday, October 28, 2013 at 7:00 PM at the Duxbury Senior Center, Ellison Room.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Scott Casagrande, and Jennifer Turcotte.

Absent: David Uitti.

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

Mr. Wadsworth called the meeting to order at 7:01 PM.

OPEN FORUM

There were no items brought forward for Open Forum.

ANR PLAN OF LAND: 252 & 256 CHESTNUT STREET / SANCHEZ & SHIRLEY

Present for the discussion were Mr. Edward Sanchez of 252 Chestnut Street and his representative, Mr. Frank Westgate of Westgate Land Survey in Kingston. Board members reviewed the plan. Mr. Broadrick explained that it is a 50/50 land swap. Two parcels will be taken from Lot 1 and one parcel will be taken from Lot 2; however, there will be an equal exchange in the amount of land. There is no change proposed to the frontage. Mr. Broadrick recommended endorsement.

Mr. Glennon asked why the ANR is proposed, and Mr. Westgate replied that the owners of 252 Chestnut Street already store vehicles and equipment on land that they wish to purchase from the owner of 256 Chestnut Street. They wish to make the land swap before the property at 256 Chestnut Street goes on the market due to the death of the owner.

MOTION: Mr. Glennon made a motion, and Ms. Turcotte provided a second, to approve a Plan of Land entitled, "Separation Plan, Proposed Land Exchange at 252 & 256 Chestnut Street, Duxbury, Massachusetts, Comprising Lots 023/045 and 023/046, Sheet 94 of Duxbury Assessor Maps," scale 1" = 20', dated October 11, 2013, drawn by Westgate Land Survey, 60 Summer Street, Kingston, MA 02364, signed and stamped by Robert A. Junior, RPLS, one sheet, as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 6-0.

Board members signed the mylar and two paper copies of the ANR plan. Mr. Westgate signed a mylar release form and took the signed mylar for recording at the Plymouth County Registry of Deeds.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 148; Fax: 781-934-1137

APPROVAL OF PROPOSED HOMEOWNERS' ASSOCIATION AND AMENDED PLAN: MACFARLANE FARMS / MACFARLANE FARMS REALTY, LLC

Board members reviewed the proposed Homeowners' Association submitted to the Planning Office on October 2, 2013.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to amend the MacFarlane Farms Declaration of Covenants and Restrictions Establishing MacFarlane Farms Homeowners' Association to remove the words "poultry house" from prohibited structures in Item 2, and to correct a typographical error in Item 2 from "he" to "be."

DISCUSSION: Ms. Ladd Fiorini stated that she was opposed to restricting farming, noting that the town has a Right-to Farm bylaw and the town should remain semi-rural. Mr. Bear noted that the chicken restriction may be a way to position the property to the market. Mr. Casagrande noted that prohibiting chickens sets up expectations of potential property owners as to what type of neighborhood will be constructed.

VOTE: The motion carried 4-2, with Mr. Wadsworth, Mr. Glennon, Ms. Ladd Fiorini, and Ms. Turcotte voting for, and Mr. Bear and Mr. Casagrande voting against.

Mr. Broadrick noted that in Item 3 solar heat collectors can only face the sun and therefore may not be able to be placed away from the street view. Mr. Casagrande noted that the applicants may be trying to establish an aesthetic look. Ms. Ladd Fiorini agreed with Mr. Broadrick, stating that she supports a progressive approach to energy use such as solar panels.

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to amend Item 3 of the MacFarlane Farms Declaration of Covenants and Restrictions Establishing MacFarlane Farms Homeowners' Association to remove the words "solar panels or other solar heat collectors" so that the placement of solar panels would not be required to be placed so they are not visible from the public roadway.

AMENDMENT TO MOTION: Mr. Glennon made an amendment, and Ms. Turcotte provided a second, to add the words "not attached to buildings" in Item 3, so that solar panels attached to buildings would not be required to be placed so that they are not visible from the public roadway. Ms. Ladd Fiorini and Ms. Turcotte agreed to the amendment.

DISCUSSION ON AMENDMENT: Mr. Glennon stated that he has seen solar panels not attached to buildings and they are not attractive, and therefore he would support requiring solar panels not attached to buildings to be restricted in placement so that they are not visible from the public roadway.

Mr. Bear stated that he does not support the motion or amendment because they are overly restrictive. Mr. Glennon stated that the amendment offers a practical solution because long after the developer is out of the picture, the town will receive a call. He stated that everywhere you look solar panels are going up.

VOTE ON AMENDMENT: The motion to amend carried 4-2, with Mr. Wadsworth, Mr. Glennon, Ms. Ladd Fiorini, and Ms. Turcotte voting for, and Mr. Bear and Mr. Casagrande voting against.

VOTE ON ORIGINAL MOTION: The original motion as amended carried 4-2, with Mr. Wadsworth, Mr. Glennon, Ms. Ladd Fiorini, and Ms. Turcotte voting for, and Mr. Bear and Mr. Casagrande voting against.

Board members continued reviewing the proposed Homeowners' Association document. They asked staff to confirm that the roadway name approved by the Town Historian is "MacFarlane Farm Lane."

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to approve the MacFarlane Farms Declaration of Covenants and Restrictions Establishing MacFarlane Farms Homeowners' Association submitted on October 2, 2013 as amended.

VOTE: The motion carried unanimously, 6-0.

Board members also reviewed an amended plan that had been submitted on October 10, 2013. Mr. Broadrick noted that the applicants were required as a condition of Definitive Subdivision approval to submit a plan showing that the barn that had straddled a lot line at the time of approval has now been removed. The removal of the barn will also be reflected on final As-Built plans once the roadway has been constructed.

ZBA SPECIAL PERMIT REFERRAL: 64 SEABURY POINT ROAD / PHALEN

Board members reviewed this special permit referral to reconstruct an existing pier.

MOTION: Ms. Turcotte made a motion, and Ms. Ladd Fiorini provided a second, to DEFER JUDGMENT to the Zoning Board of Appeals regarding special permit #2013-0014 to reconstruct an existing pier, including stairs, walkway, platform, gangway and float at 64 Seabury Point Road / Phalen.

VOTE: The motion carried unanimously, 6-0.

ZBA SPECIAL PERMIT AMENDMENT REFERRAL: DUXBURY ESTATES, CARRIAGE LANE / GIACHETTO

Mr. Wadsworth noted time would not allow the Planning Board to review and finalize a recommendation to the Zoning Board of Appeals regarding this proposed amendment to a 44-unit Planned Development project that was originally permitted in 2007. The Planning Board had scheduled a discussion with the Zoning Board of Appeals (ZBA) to begin at 7:30 PM. He asked three members of the public in attendance if they had any comments they would like to add to the record. All three residents stated that they are here to listen and do not have comments at this point.

Mr. Broadrick informed the Planning Board members that the ZBA administrative assistant has extended the deadline for submitting referral recommendations to December 4, 2013.

MOTION: Ms. Turcotte made a motion, and Mr. Glennon provided a second, to postpone discussion of the special permit amendment referral for Zoning Board of Appeals Special Permit #2013-0015, Duxbury Estates, Carriage Lane / Giachetto, with the agenda topic to be rescheduled for the Planning Board meeting of November 25, 2013.

VOTE: The motion carried unanimously, 6-0.

TOWN CLERK
NOV 29 AM 11:05
DUXBURY, MASS.

JOINT MEETING OF THE ZONING BOARD OF APPEALS AND PLANNING BOARD

Present for the discussion were members of the Zoning Board of Appeals: Mr. Scott Zoltowski, Chairman; Mr. Wayne Dennison, Clerk; and Mr. Paul Boudreau; and Zoning Board of Appeals alternates: Mr. John Baldwin, Mr. Freeman Boynton, and Mr. Emmett Sheehan.

The following topics were discussed:

- Razing and rebuilding on pre-existing nonconforming lots
- Extending nonconforming setbacks
- Consideration of Planning Board recommendations in ZBA decisions
- Accessory structures
- Need for professional staff
- Ways that the Planning Board could further assist the Zoning Board of Appeals
- Litigation discussions with the Board of Selectmen.

TOWN CLERK
13 NOV 29 AM 11:05
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Mr. Wadsworth thanked the Zoning Board of Appeals members for attending the discussion. They departed the meeting at 8:41 PM.

OTHER BUSINESS

Minutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve meeting minutes of September 23, 2013 as amended.

VOTE: The motion carried 6-0.

ADJOURNMENT

The Planning Board meeting adjourned at 8:45 PM. The next Planning Board meeting will take place on Wednesday, November 6, 2013 at 12:30 PM at the Duxbury Town Hall.

MATERIALS REVIEWED

ANR Plan of Land: 252 & 256 Chestnut Street / Sanchez & Shirley

- ANR application and plan
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

Approval of Proposed Homeowners' Association and Amended Plan: MacFarlane Farms / MacFarlane Farms Realty, LLC

- Declaration of Covenants and Restrictions Establishing MacFarlane Farms Homeowners' Association
- Revised plan

ZBA Special Permit Referral: 64 Seabury Point Road / Phalen

- ZBA special permit materials submitted to Planning Office on 09/24/13
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

ZBA Special Permit Amendment Referral: Duxbury Estates, Carriage Lane / Giachetto

- ZBA special permit amendment materials
- Vision GIS map, aerial photo, and Pictometry orthophoto
- Original ZBA decision dated 02/09/07
- Inclusionary Payment Schedule signed 10/01/07 and worksheet
- Special permit amendment dated 01/19/10
- PB minutes of 02/25/13

PLANNING BOARD MINUTES

Date: October 28, 2013

Page 5 of 5

Approved 11/25/2013

- Duxbury Estates Sales History Through 06/30/13 from Assessor's Department
- Duxbury Estates Unit Configuration Worksheet dated 10/18/13
- Real estate ad from Duxbury Clipper dated 10/16/13

Joint Meeting of the Zoning Board of Appeals & Planning Board

- ZBA Member List
- Agenda
- Memo from T. Broadrick dated 10/20/13
- Overview of ZBA Referrals January 2010-April 2013
- Overview of PB Decisions January 2010-September 2013
- ZBA Updated Rules & Regs for 40A and 40B applications

Other Business

- Meeting minutes of 09/23/13
- ZBA decision: Kennel in the Pines, 500 Franklin / Oleksiak
- ZBA decision: 27 Priscilla Avenue / Casey
- Pembroke public hearing notice for proposed Medical Marijuana Overlay District zoning article
- Construction Cost Estimates for September 2013

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