

Approved 04/28/2014



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
14 MAY -1 AM 11:14
DUXBURY, MASS.

Minutes 04/14/14

The Planning Board met on Monday, April 14, 2014 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Small Conference Room.

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

Absent: Jennifer Turcotte; and Diane Grant, Administrative Assistant.

Staff: Thomas Broadrick, Planning Director.

Mr. Wadsworth called the meeting to order at 7:02 PM.

OPEN FORUM

Economic Advisory Committee: Mr. Bear reported that the town has received a grant from the Old Colony Planning Council to study the potential economic development of Hall's Corner.

Open Space Committee: Mr. Glennon reminded Board members of the upcoming Open Space Committee scavenger hunt.

Benchwarmer's, Saint George Street: Mr. Wadsworth asked if the owners had filed for Administrative Site Plan Review based on a recent Zoning Board of Appeals referral, and Mr. Broadrick responded that they had not filed as of yet.

ADMINISTRATIVE SITE PLAN REVIEW: 0 LINCOLN STREET / TOWN OF DUXBURY RECREATION DEPARTMENT

Mr. Patrick Brennan of Amory Engineers was present to represent the Duxbury Recreation Department's site plan review application to pave an existing parking lot at the Lincoln Street soccer fields. Mr. Wadsworth asked Mr. Brennan to present the proposed plans.

Mr. Bear noted that the proposed parking allows for a 24-foot wide travel lane. Ms. Ladd Fiorini noted that 58 parking spaces exist and 74 spaces are proposed. Mr. Glennon noted that according to Zoning Bylaws, when 50 or more parking spaces are proposed, landscaped islands are required to break up the parking area. Mr. Brennan noted that the parking lot is surrounded by woods so there is natural landscaping already. Mr. Glennon noted that the landscaped islands need to be incorporated into the parking lot design. Mr. Brennan agreed to add two landscaped islands to the site plans.

Mr. Steve Carleton of 1 River Lane spoke on behalf of the Ellison Trust Fund, noting that they have allocated \$18,000.00 to fund the parking lot reconstruction.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; Fax: 781-934-1137

MOTION: Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to approve an Administrative Site Plan decision to be revised with a reference to an amended plan to be submitted that reflects the addition of two five-foot wide landscaped islands within the parking area.

VOTE: The motion carried unanimously, 6-0.

ADMINISTRATIVE SITE PLAN REVIEW: 612 & 0 CONGRESS STREET / DUXBURY FITNESS (PAQUETTE)

Present for the discussion were the applicants, Ms. Victoria Paquette and Mr. Justin Paquette, owners of Duxbury Fitness. Mr. Wadsworth asked the applicants to present their proposal. Ms. Paquette stated that they own a thriving personal fitness business and would like to move their operations from Tremont Street to 612 Congress Street, at the site of a former veterinary office. A purchase and sales agreement is pending, and they go before the Zoning Board of Appeals next week for a special permit for the change in use. Ms. Paquette stated that no changes are proposed to the site other than adding handicapped accessible parking.

Board members noted that the existing two lots comprise 1.27 acres. Ms. Paquette stated that they are only purchasing 612 Congress Street, a .65-acre lot with the existing structure, and are not purchasing 0 Congress Street, a .63-acre parcel of land. Mr. Wadsworth noted that the site plan should be revised to delineate the land subject to site plan review.

Mr. Bear noted that wheel stops should be added to the site plan to show where parking spaces will be provided. The handicapped accessible space should be paved, and "No Parking" signs should be placed on the entrance to the building in order to prevent parking in front of the building. Mr. & Ms. Paquette agreed to provide revised plans for the next Planning Board meeting.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to continue the public meeting for Administrative Site Plan Review of 612 Congress Street / Duxbury Fitness (Paquette), until Monday, April 28, 2014, with revised plans due by April 22, 2014.

VOTE: The motion carried unanimously, 6-0.

Board members then addressed the applicants' letter dated March 7, 2014 requesting a waiver for establishment of a consulting engineering escrow account.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to waive the requirement for the establishment of a consulting engineer escrow account for Administrative Site Plan Review of 612 Congress Street / Duxbury Fitness (Paquette). Due to the small scope of the project, the services of a consulting engineer are not required.

VOTE: The motion carried unanimously, 6-0.

ZBA REFERRAL, SPECIAL PERMIT: 612 CONGRESS STREET / DUXBURY FITNESS (PAQUETTE)

Board members reviewed ZBA special permit application materials.

MOTION: Mr. Casagrande made a motion, and Ms. Ladd Fiorini provided a second, to recommend APPROVAL to the Zoning Board of Appeals regarding special permit #2014-0016 for a proposal to change a use from a veterinary clinic to a personal training fitness studio at 612 Congress Street.

VOTE: The motion carried 5-1, with Mr. Bear voting against.

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APPROVAL NOT REQUIRED PLAN OF LAND: 0 & 907 TREMONT STREET / ALFIERI & NASS

Board members reviewed this proposed plan to reconfigure lot lines from a previously endorsed Approval Not Required (ANR) plan, noting that no change in frontage is proposed.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to endorse a plan of land entitled, "Reconfigured Approval Not Required Plan for Loren C. Nass Jr. & Lee P. Alfieri, Esq.," dated March 27, 2014, prepared by Orwig Associates, 9 South Pasture Lane, P.O. Box 2132, Duxbury, MA 02331, signed and stamped by Neil J. Murphy, RPLS on March 28, 2014, scale 1" = 40.

VOTE: The motion carried unanimously, 6-0.

Board members endorsed the mylar and Mr. Orwig signed a mylar release form and took the endorsed mylar with him for recording at the Registry of Deeds.

APPROVAL NOT REQUIRED PLAN OF LAND: 388 NORTH STREET / NESS CROWLEY

Board members reviewed this proposed plan to divide a 13.24 acre lot, mostly in the Wetlands Protection Overlay District, into two smaller lots, both with ample frontage. Mr. Paul Brogna of Seacoast Engineering was present to represent the applicants. Board members agreed that with 582.41 feet frontage in Lot 1A and 340.76 feet of frontage in Lot 2A, the frontage does meet Approval Not Required (ANR) requirements.

MOTION: Mr. Glennon made a motion, and Mr. Uitti provided a second, to endorse a plan of land entitled, "Plan of Land, 388 North Street, Duxbury, Mass., Drawn for Frank W. Ness Jr. Trust, Marjorie L. Ness Trust, Pamela Ness Crowley, Trustee," dated March 13, 2014, revised April 4, 2014, prepared by Millbrook Survey, 401 Parsonage Street, Marshfield, MA 02050, stamped and signed by Thomas J. Sullivan, RLS, scale 1" = 50' as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 6-0.

Board members endorsed the mylar and Mr. Brogna signed a mylar release form and took the endorsed mylar with him for recording at the Registry of Deeds.

REQUEST FOR RELEASE OF PERFORMANCE BOND AND ESCROW ACCOUNT FUNDS: DEER RUN DEFINITIVE SUBDIVISION / DEER RUN VENTURES, LLC

Board members reviewed a letter dated March 20, 2014 from Mr. William Murphy, Manager of Deer Run Ventures, LLC in Norwell requesting release of performance bond funds totaling approximately \$8,250.00. They also reviewed a letter from Mr. Murphy dated March 31, 2014 requesting the release of escrow account funds totaling approximately \$200.00. Mr. Broadrick noted that the Definitive Subdivision was approved by the Planning Board in 2002 and a modification was approved in 2003, and the town accepted the road at Annual Town Meeting 2006.

Mr. Glennon noted that the original escrow account was under the name "JVO Corporation / Deer Run LLC" and the current name appears to be "Deer Run Ventures, LLC." Mr. Broadrick confirmed that the applicants had submitted LLC certification from the Secretary of State's office confirming that the current name is Deer Run Venture, LLC.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to release all funds plus interest in a Performance Bond account and an Escrow Account for Deer Run Ventures, LLC, at the request of Mr. William Murphy of Deer Run Ventures, LLC in letters dated March 20, 2014 and March 31, 2014.

VOTE: The motion carried unanimously, 6-0.

ZBA REFERRAL, SPECIAL PERMIT: 247 GURNET ROAD / FITZGERALD

Board members reviewed the ZBA application materials submitted for this special permit to expand the second floor of an existing structure, which would extend the encroachment of a side setback.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to recommend DENIAL to the Zoning Board of Appeals regarding ZBA Special Permit #2014-0015, an application for 247 Gurnet Road / Fitzgerald, because the existing dwelling is approximately a mere six feet from the adjacent dwelling, so a second floor addition would have a detrimental impact on the neighborhood by intensifying the fire and life safety hazards due to very close proximity to the abutting structure, particularly in a densely-built area of other nonconforming structures; exacerbating the existing congestion; and adversely affecting the natural availability of light and air to the adjacent dwelling.

VOTE: The motion carried 5-1, with Mr. Casagrande voting against.

ZBA REFERRAL, SPECIAL PERMIT: 53 OCEAN ROAD NORTH / NORRIS

Board members reviewed the ZBA application materials submitted for this special permit to request to modify an existing nonconforming structure by: (a) removing the existing masonry ground floor that is presently supporting the one-level wooden dwelling space; (b) installing a pier foundation to support the one-level dwelling space in place of the masonry structure; and (c) adding an additional story to the pier-supported building, resulting in two full dwelling levels above the piers. Mr. Glennon noted that it appears that the existing one-story dwelling level is to be "raised" on piles and not voluntarily "razed," observing that the applicant's materials are somewhat unclear on this point.

MOTION: Mr. Glennon made a motion, and Mr. Bear provided a second, to recommend DENIAL to the Zoning Board of Appeals regarding ZBA Special Permit #2014-0018, an application for 53 Ocean Road North / Norris. The existing dwelling, which has a ground level of masonry construction and an upper level of wood construction, is approximately nine feet from the adjacent dwelling. Significantly increasing the overall height, and doing so with two levels of wood construction (as opposed to the existing one level of masonry and one of wood) would have a detrimental impact on the neighborhood by: (a) intensifying the fire and life safety hazards due to very close proximity to the abutting structure, particularly in a densely-built area of other nonconforming structures; (b) exacerbating the existing congestion; and (c) adversely affecting the natural availability of light and air to the adjacent dwelling.

VOTE: The motion carried 4-2, with Mr. Casagrande and Mr. Uitti voting against.

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OTHER BUSINESS

Meeting Minutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to approve meeting minutes of March 24, 2014 as amended.

VOTE: The motion carried unanimously, 4-0-1, with Mr. Bear abstaining.

ADJOURNMENT

The Planning Board meeting adjourned at 10:10 PM. The next Planning Board meeting will take place on Monday, April 14, 2014 at 7:00 PM at the Duxbury Town Hall.

MATERIALS REVIEWED

Administrative Site Plan Review: 0 Lincoln Street / Town of Duxbury Recreation Department

- ASPR application and plans submitted 02/07/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto
- Email from G. Cushing dated 04/04/14
- Draft decision

Administrative Site Plan Review: 612 & 0 Congress Street / Duxbury Fitness (Paquette)

- ASPR application and materials submitted 03/10/14, including request for escrow account waiver
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto
- Print-out from duxfit.com web site
- Draft decision

ZBA Referral, Special Permit: 612 Congress Street / Duxbury Fitness (Paquette)

- ZBA application and materials submitted 03/11/14

Approval Not Required Plan of Land: 0 & 907 Tremont Street / Alfieri & Nass

- ANR application and plan submitted on 03/31/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto
- ANR plan endorsed on 01/23/12
- PB minutes of 12/12/11 and 01/09/12

Approval Not Required Plan of Land: 388 North Street / Ness Crowley

- ANR application and plan submitted 04/04/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

Request for Release of Performance Bond and Escrow Account Funds: Deer Run Definitive Subdivision / Deer Run Ventures, LLC

- Letter from Deer Run Venture, LLC dated 03/20/14 re: Performance bond request
- Letter from Deer Run Venture, LLC dated 03/31/14 re: Escrow account request

ZBA Referral, Special Permit: 247 Gurnet Road / Fitzgerald

- ZBA application and materials submitted 03/12/14
- Referral to ZBA
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

ZBA Referral, Special Permit: 53 Ocean Road North / Norris

- ZBA application and materials submitted 03/12/14
- Referral to ZBA
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto
- Staff lot coverage calculation worksheet

Other Business

- Meeting minutes of 03/24/14
- Construction Cost Estimates for March 2014

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