



# Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

## Minutes 05/12/14

The Planning Board met on Monday, May 12, 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, and Scott Casagrande.

Absent: Jennifer Turcotte and David Utti.

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

Mr. Wadsworth called the meeting to order at 7:03 PM.

### OPEN FORUM

McLean's Way 40B, off Bow Street: Mr. Casagrande reported that he and Mr. Wadsworth had attended a recent Zoning Board of Appeals site walk. He stated that the land is overgrown and the center of the road had been staked out.

Hall's Corner Study: Mr. Bear reported that the Old Colony Planning Council (OCPC) is doing a traffic count at Hall's Corner this week as part of a planning project that the OCPC is doing for the Economic Advisory Committee (EAC). He stated that next week a survey will be issued, both for businesses and residents. A presentation will be scheduled with the Board of Selectmen in July. Opportunities have been identified but no recommendations have been made yet until the OCPC and EAC members meet with the Planning Board, also in July. He stated that some form of change is expected, for example a new Business Improvement District.

Mr. Broadrick added that the Metropolitan Area Planning Council (MAPC) just awarded a grant to the Town of Duxbury EAC for the same Hall's Corner Study project. He stated that the EAC will determine the division of focus for each regional planning agency.

Open Space Committee: Mr. Glennon reported that the Open Space Committee's scavenger hunt is scheduled for Sunday, May 18, 2014 from 1:00 to 3:00 PM. He reported that it has been arranged for the Standish Monument to be open during the event.

40B Training Workshop: Mr. Broadrick reminded Board members that the Zoning Board of Appeals will be conducting a 40B training workshop for its members on Monday, May 19, 2014 at 7:00 PM at the Senior Center. As an open session, Planning Board members may sit in.

ANR 0 Congress Street / Hoffman: Mr. Broadrick reported that an ANR has been filed with Town Clerk and the Planning Board to divide an existing parcel into two building lots. It cannot be addressed tonight because it was submitted after the Planning Board's agenda was posted last week, and an extension form has been sent for the applicant to sign.

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

Updated Zoning Bylaws: Ms. Grant distributed Zoning Bylaws dated May 12, 2014 reflecting the Temporary Medical Marijuana Moratorium bylaw that was accepted at Annual Town Meeting in March 2014.

### **ZBA REFERRAL, COMPREHENSIVE PERMIT (CONTINUED): 56 & 70 BOW STREET / MCLEAN'S WAY LLC (REINHALTER)**

Board members reviewed a draft memorandum dated May 13, 2014 from the Planning Board to the Zoning Board of Appeals. Mr. Broadrick reported that a consulting engineer has not been hired yet to his knowledge, and therefore there has been no review of the applicant's traffic study or drainage report.

**MOTION**: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to submit a memorandum dated May 13, 2014 from Mr. Wadsworth to Mr. Scott Zoltowski of the Zoning Board of Appeals as written.

**VOTE**: The motion carried unanimously, 5-0.

### **DUXBURY ESTATES UPDATE**

Mr. Broadrick stated that the applicant, By Design Construction owned by the Giacchettos, has filed for two building permits which the Planning Department is holding until all of the required documentation has been finalized and recorded. Board members reviewed a memorandum prepared by Mr. Broadrick which provided a detailed list of documents and the status of each one. Mr. Broadrick noted that some of the documents are being reviewed by a real estate attorney at Town Counsel's office. He stated that the 90-day decision date is May 28, 2014.

Mr. Wadsworth agreed that all of the documents need to be finalized prior to the issuance of a building permit. Mr. Broadrick noted that the Conservation Administrator, Mr. Joseph Grady, had held one of the building permits until a storm drain issue was fixed.

Mr. Glennon commended his colleagues and staff for their efforts in working through a challenging situation. He stated that he believes that the best possible solution was achieved despite the circumstances that the Planning Board was thrust into. He stated that the Planning Board upheld its oath of office and acted in the best interest of the town. Mr. Wadsworth stated that all players participated and only minor details remain to be completed. He stated that it is up to the Planning Director to make sure that the building permits are not issued until the paperwork is finalized.

### **ZONING BYLAW REVIEW COMMITTEE UPDATE**

Mr. Casagrande, who serves on the Zoning Bylaw Review Committee (ZBRC) along with Mr. Wadsworth, stated that the next ZBRC meeting is scheduled for May 21, 2014. He stated that topics are being discussed among the seven members of the committee. Next month nonconformities will be addressed. The overall review is expected to be a long process.

Mr. Wadsworth noted that there appear to be philosophical differences among members of the ZBRC because some topics that appear to be policy to some are interpreted as clarifications to others. He stated that Ms. Judi Barrett, ZBRC chair, has mentioned the possibility of the ZBRC meeting with the Planning Board in the near future to keep the Planning Board part of the process. He stated that he had advised Ms. Barrett that the Planning Board would need something to review first. Mr. Bear noted that it is important for the Planning Board to understand the ZBRC's process for reviewing Zoning Bylaws. Mr. Casagrande suggested that the Planning Board may get involved once the consultants begin making recommendations.



Mr. Bear asked if the Planning Board should take on any Zoning Bylaw revisions while the ZBRC is doing its review, and Mr. Casagrande replied that the Planning Board could take on clear issues like the Residential Conservation Cluster bylaw. Mr. Wadsworth offered to alert the ZBRC if the Planning Board decides to address any Zoning Bylaw amendments prior to completion of the ZBRC review so that the ZBRC could address those topics earlier.

## OTHER BUSINESS

The Planning Board addressed Other Business so that Mr. Broadrick could participate prior to his departure for the Planning Director's performance evaluation.

### Meeting Minutes:

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve meeting minutes of April 28, 2014 as amended.

**VOTE:** The motion carried 4-0-1, with Mr. Casagrande abstaining.

## PLANNING DIRECTOR PERFORMANCE EVALUATION

Mr. Broadrick departed the meeting prior to this discussion. Board members reviewed and discussed a Performance Evaluation sheet provided by the Human Resources Department. Mr. Wadsworth stated that he would discuss the results of the Planning Board's evaluation with Mr. Broadrick prior to joining Mr. Broadrick for a meeting with the Town Manager for the Planning Director's overall evaluation.

## ADJOURNMENT

The Planning Board meeting adjourned at 9:22 PM. The next Planning Board meeting will take place on Monday, June 9, 2014 at 7:00 PM at the Duxbury Town Hall.

## MATERIALS REVIEWED

### **ZBA Referral, Comprehensive Permit (Continued): 56 & 70 Bow Street / McLean's Way LLC (Reinhalter)**

- Draft PB memo to ZBA re: interim comments (*distributed at meeting*)
- Abutter letters submitted at 04/28/14 PB meeting

### **Duxbury Estates Update**

- Memo from T. Broadrick dated 05/06/14 (*with attachments*)

### **Planning Director Performance Evaluation**

- April 9<sup>th</sup> Memo from Jeannie Horne, HR Director with forms attached

### **Other Business**

- Meeting minutes of 04/28/14
- Recent case law: Doherty v Scituate Planning Board (*re: building restrictions in flood plain*)
- ZBA decision, 5 South Pasture Lane / Hoffman
- Construction Cost Estimates for April 2014

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