



Town of Duxbury Massachusetts Planning Board

Minutes 06/22/15

The Planning Board met on Monday, June 22, 2015 at 7:00 PM at the Duxbury Town Hall, Mural Room.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; John Bear, and David Uitti.

Absent: Cynthia Ladd Fiorini, Clerk; Scott Casagrande, and Jennifer Turcotte.

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

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

OPEN FORUM

Economic Advisory Committee (EAC): Mr. Bear reported that the Attorney General has approved an Annual Town Meeting 2015 article to reduce the EAC from nine to seven members. He stated that for Hall's Corner revitalization the EAC needs Board of Selectmen buy-in on certain items such as brick sidewalks, landscaping, traffic and crosswalks. He reported that another topic the EAC will address is a tie-in to the Plymouth 400 event, noting that parking and shuttles will be required.

Departure of Planning Director: Mr. Wadsworth noted that this would be the last meeting for Mr. Thomas Broadrick, who is retiring from his position as Planning Director for the Town of Duxbury in order to take a planning position in Florida. Mr. Wadsworth thanked Mr. Broadrick for his years of service to the town and wished him well. Mr. Glennon, Mr. Bear, and Mr. Uitti also expressed their appreciation and well wishes.

DISCUSSION: POTENTIAL DEFINITIVE SUBDIVISION: TEAKETTLE LANE EXTENSION / BITTERS

Present for the discussion were the property owner, Mr. David Bitters, and his representative, Mr. Joe Webby of Webby Engineering. Mr. Bitters asked if he could submit a draft plan for Planning Board members to review. Mr. Wadsworth responded that plans and materials should be submitted a week in advance of a Planning Board meeting in order to allow time for members to review. Mr. Bear added that the public could view materials submitted in advance as well. He advised Mr. Bitters to submit the plans to staff and they would add to the next meeting packet.

Mr. Wadsworth stated that he had reviewed the materials that staff had put in this week's packet, and noted that it appears that what Mr. Bitters is trying to do looks like a subdivision. Mr. Bear noted that the subdivision process is through a public hearing that would allow abutters to be notified and opportunity for input.

Mr. Glennon asked if Mr. Bitters had spoken with the Director of Assessing, and Mr. Bitters replied that they had spoken but he now would like to go forward with developing the land.

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Mr. Broadrick noted that in order to improve the roadway, even paving, would require Planning Board approval. He stated that the pavement would need to be a suitable grade and width as laid out according to Subdivision Rules and Regulations. A subdivision is required when someone is trying to improve an existing roadway. He stated that Mr. Bitters was given a "pass" in 1992 but at this time he needs to go through the subdivision process.

Mr. Bear added that it is not allowed to change the existing walking path into a roadway without Planning Board approval. Mr. Bitters stated that the path is a lane with houses built. Mr. Broadrick stated that he had driven back there and it is a cart path. He stated that those lots may have been created prior to the adoption of zoning. He stated that the current roadway does not conform to Subdivision Rules and Regulations, but the subdivision process would create frontage from a new roadway. Mr. Wadsworth stated that although Mr. Bitters may try to persuade the Planning Board otherwise, he believes that Mr. Bitters needs to file a subdivision plan and advised him to consult with Mr. Webby who is familiar with Subdivision Rules and Regulations.

ANR PLAN OF LAND: 685 & 661 WASHINGTON STREET / MCLAUGHLIN & ALLEN

Present for this discussion representing the McLaughlins was Mr. Paul Brogna of Seacoast Engineering. Mr. Glennon disclosed that he is on an email list regarding an appeal of a Conservation Commission decision denying a pier at this property, but he has no position on the matter and does not believe being on the list affects his ability to consider the ANR before the Planning Board. Mr. Bear disclosed that he is a member of the Duxbury Rural & Historical Society, which formerly owned the McLaughlin property. No one objected to Mr. Glennon's or Mr. Bear's participation.

Mr. Brogna presented the ANR plan, noting that it involves 1,400 square feet of marshland that is proposed to be conveyed from the McLaughlins to the Allens. He stated that there are no proposed changes in nonconformities. Mr. Wadsworth asked if the ANR is proposed in order to eliminate the potential for two piers on one lot, and Mr. Brogna responded that it is a possibility.

Mr. Glennon noted that for an ANR plan the Planning Board is primarily looking at frontage. Mr. Bear asked if a future easement would be created to allow the McLaughlins access to their former property, and Mr. Brogna replied, "I don't think so."

Mr. Broadrick asked if the property to be conveyed contains the walkway and float to the existing Allen pier, and Mr. Brogna responded that the gangway is attached to the mainland at the rear of the Allen property. Mr. Brogna submitted a plan showing where the existing float is located. Mr. Uitti asked if there is an easement where the dock is sited now, and Mr. Brogna replied, "Yes." Mr. Brogna explained that Lot 147B is to be joined with the Allen property. Mr. Brogna stated that the intent is to do away with the McLaughlin tie to the easement.

Mr. Glennon stated that it is confusing because there are two tie lines showing lot lines to be moved that do not appear to be part of the ANR plan. Mr. Brogna explained that the salt marsh is a component of the easement although it is not included in the square footage of the lot to be conveyed. Mr. Uitti confirmed that the area to the south of the "face of wall" area on the Allen property is part of a deed that has standard language "to the mean of the high water mark" but has not been surveyed. Mr. Brogna agreed, noting that only the area to the edge of the salt marsh has been defined by the surveyed plan. Mr. Glennon expressed concern with this until Mr. Uitti pointed out that the deeds are referenced on the plan.

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MOTION: Mr. Bear made a motion, and Mr. Uitti provided a second, to endorse an ANR plan of land entitled, "Land Plan, 685 Washington Street, Duxbury, Mass.," dated May 14, 2015, prepared by Millbrook Survey, 401 Parsonage Street, Marshfield, MA 02050, stamped and signed by Thomas J. Sullivan, PLS, scale 1" = 40,' as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 4-0.

DECISION FOR DEFINITIVE SUBDIVISION APPLICATION: SHANTUM LANE (MYLES VIEW DRIVE EXTENSION) / PONTIFF

Present for the discussion was the applicant, Mr. Eric Pontiff. Mr. Broadrick noted that Mr. Patrick Brennan of Amory Engineers, the town's consulting engineer, had reported that there are no further issues. Mr. Broadrick stated that after the decision is issued and a 20-day appeal period has passed, the applicant will submit a Homeowners' Association and Planning Board Covenant. Mr. Wadsworth stated that no lots can be released until those documents have been approved and recorded.

Board members reviewed a draft decision reflecting current plans and waivers as approved at the last Planning Board meeting.

MOTION: Mr. Uitti made a motion, and Mr. Bear provided a second, to approve a Certificate of Notification for Shantum Lane (Myles View Drive Extension) as amended.

VOTE: The motion carried unanimously, 4-0.

Mr. Wadsworth directed staff to prepare the final decision to be signed by the Planning Board Chairman, notarized, and stamped with Town Clerk.

Mr. Bear asked what measures are in place to ensure that the pavement is maintained, and Mr. Broadrick replied that the Operation and Maintenance Plan would take care of it. Mr. Bear asked whose job it is to make sure that the roadway is operating under the Operation and Maintenance Plan, and Mr. Broadrick replied that it is the Planning Director's job to inspect subdivisions from time to time.

AS-BUILT APPROVAL REQUEST: FISHER RIDGE RESIDENTIAL CONSERVATION CLUSTER, OFF SUMMER STREET / FISHER RIDGE REALTY LLC

No one was present to represent this request. Mr. Uitti disclosed that he represents a client adverse to Mr. Stephen Vazza, the manager of the limited liability corporation, and therefore he will need to recuse himself from the discussion.

Mr. Broadrick stated that no Planning Board action is necessary because although an As-Built plan has been submitted, the consulting engineer, Mr. Patrick Brennan of Amory Engineers, has submitted a letter dated June 15, 2015 stating that there are several outstanding issues that need to be addressed prior to As-Built approval.

Mr. Wadsworth stated that he is concerned with the steep slopes of the sides and other issues that need to be addressed. He asked staff to set up a site visit for him and Mr. Brennan. Mr. Broadrick noted that once the As-Built plan is approved, the drainage and roadway will be the responsibility of the homeowners' association.

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ZBA REFERRAL, SPECIAL PERMIT: 48 GRANDVIEW AVENUE / SANMARCO

Board members reviewed and discussed this special permit application to construct a new pier.

MOTION: Mr. Bear made a motion, and Mr. Glennon provided a second, to defer judgment to the Zoning Board of Appeals regarding Special Permit #2015-8, 48 Grand View Avenue / Sanmarco, for a special permit to construct a new pier.

VOTE: The motion carried unanimously, 4-0.

PLANNING DIRECTOR SEARCH PROCESS AND PLANNING BOARD APPOINTMENTS TO PLANNING DIRECTOR HIRING TEAM

Mr. Wadsworth stated that he had met with Mr. Broadrick in order to review a job description for posting the Planning Director position after Mr. Broadrick departs in early July. Mr. Wadsworth noted that the appointing body is the Planning Board. The Board of Selectmen is appointing a Hiring Team of five people who will review initial applications and narrow the field to a small number of finalists whom the Planning Board will interview. So far the Board of Selectmen has appointed Mr. Shawn Dahlen as Board of Selectmen representative, and a citizen-at-large will be appointed as well.

Mr. Wadsworth expressed his interest in serving on the Hiring Team, noting that he is available for daytime meetings. Mr. Bear also stated his interest in serving on the Hiring Team, noting his availability also.

MOTION: Mr. Uitti made a motion, and Mr. Glennon provided a second, to appoint Mr. Wadsworth and Mr. Bear to the Planning Director Hiring Team.

DISCUSSION: Mr. Glennon asked if other Planning Board members who are not present might be interested in serving on the Hiring Team, and Mr. Broadrick stated that he had not heard from anyone, and Mr. Wadsworth stated that he also checked his email and no one else expressed an interest.

VOTE: The motion carried unanimously, 4-0.

Mr. Wadsworth directed staff to notify the Board of Selectmen of the appointments.

OTHER BUSINESS

Engineering Invoices:

MOTION: Mr. Uitti made a motion, and Mr. Glennon provided a second, to approve payment of the following Amory Engineers invoices:

- Invoice #14221A dated December 31, 2014 and issued on May 26, 2015 in the amount of \$125.00 for services related to Gudrun Way (Bartlett Way)
- Invoice #14247B dated April 10, 2015 and issued on May 27, 2015 in the amount of \$93.75 for services related to Gudrun Way (Bartlett Way)
- Invoice #14221C dated December 31, 2014 and issued on May 26, 2015 in the amount of \$781.25 for services related to Fisher Ridge
- Invoice #14247D dated April 10, 2015 and issued on May 27, 2015 in the amount of \$93.75 for services related Fisher Ridge
- Invoice #14247A dated April 10, 2015 and issued on May 27, 2015 in the amount of \$125.00 for services related to Shantum Lane (Myles View Drive)
- Invoice #14281A dated May 15, 2015 and issued on May 29, 2015 in the amount of \$1,281.25 for services related to Shantum Lane (Myles View Drive)

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- Invoice #14305A dated June 3, 2015 in the amount of \$562.50 for services related to Shantum Lane (Myles View Drive)
- Invoice #14221B dated December 31, 2014 and issued on May 26, 2015 in the amount of \$906.25 for services related to Littletown Way (907 Tremont Street)
- Invoice #14247C dated April 10, 2015 and issued on May 27, 2015 in the amount of \$373.75 for services related to Littletown Way (907 Tremont Street).

VOTE: The motion carried unanimously, 4-0.

Two Dwellings Per Lot: Mr. Bear expressed concern regarding two dwellings per lot on Standish Street and Harrison Street. He stated that a Standish Street historic home was re-located on the property to make room for construction of a new, larger dwelling. He stated that the existing home will be called a guest house and the stove to be removed. He stated that it is the same situation on Harrison Street, where a dwelling is being moved within the property to be called a "guest house," and a larger home built on the same property. Mr. Bear asked if there is anything the Planning Board can do to ensure that these accessory structures (the original dwellings) do not become second dwellings in the future. He noted that the property owners are investing a large sum to move the existing dwellings, so any concerns should have been addressed earlier but the existing process is weak. Mr. Wadsworth offered to speak with Mr. Scott Lambiase, Director of Municipal Services, to improve the process and ensure that there will be no multiple dwellings on lots in the future.

Mr. Broadrick stated that he signed off on both of the building permits that Mr. Bear had mentioned. He stated that an accessory structure is defined in the Zoning Bylaws as "...not a dwelling unit..." and dwelling unit is defined as "...having a single set of kitchen facilities (a stove plus either or both a refrigerator and sink)..." He stated that after he signs off on the building permit he assumes that the Building Department issues a building permit based on zoning compliance. He noted that there is nothing in the Zoning Bylaws that references confirming compliance after the Certificate of Occupancy has been issued.

Mr. Bear expressed concern that this will keep happening until there is an administrative fix to prohibit two houses on the same lot. He stated that a mechanism is needed to correct the situation.

Mr. Uitti asked if the building permit could be held until compliance is confirmed, and Mr. Broadrick responded that a property owner can take a stove out for an inspection and then re-install the stove. Mr. Bear stated that the Town of Duxbury should not make it that easy. Mr. Wadsworth stated that he would discuss the matter with the Director of Municipal Services.

Planning Director Vacancy: Mr. Glennon noted that positions on regional planning agency advisory boards will need to be filled upon the departure of Mr. Broadrick. Mr. Broadrick stated that Mr. René Read, Town Manager, will address staff support for town committees such as the Economic Advisory Committee. Mr. Wadsworth noted that Mr. Read is considering hiring a temporary, interim Planning Director.

ADJOURNMENT

The Planning Board meeting adjourned at 9:22 PM. The next Planning Board meeting will take place on Monday, July 13, 2015 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

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MATERIALS REVIEWED

Discussion: Potential Definitive Subdivision: Teakettle Lane Extension / Bitters

- ANR plan endorsed by the PB on 07/01/1992
- PB minutes of 07/01/1992
- PB minutes of 09/30/2002
- PB minutes of 02/11/2015

ANR Plan of Land: 685 & 661 Washington Street / McLaughlin & Allen

- ANR application and plan submitted on 06/02/15
- Vision GIS map, aerial photo, and Assessor's property card

Continued Public Hearing, Definitive Subdivision: Myles View Drive Extension / Pontiff

- Draft decision
- Emails between D. Grant, T. Kelso and E. Pontiff dated 06/11 – 06/12/15

As-Built Approval Request: Fisher Ridge Residential Compatibility Cluster, off Summer Street / Fisher Ridge Realty

- Letter from P. Brennan of Amory Engineers dated 06/15/15

ZBA Referral, Special Permit: 48 Grandview Avenue / Sanmarco

- ZBA application and materials
- Vision GIS map, aerial photo, and Assessor's property card

Planning Director Search Process and Planning Board Appointments to Planning Director Hiring Team

- Town of Duxbury Planning Director Hiring Search Timeline dated 06/11/15
- BOS agenda for 06/15/15 (*page 1 only*)

Other Business

AMORY ENGINEERS INVOICES

- #14221A dated 12/31/14 (\$125.00) re: Gudrun Way
- #14247B dated 04/10/15 (\$93.75) re: Gudrun Way
- #14221C dated 12/31/14 (\$781.25) re: Fisher Ridge
- #14247D dated 04/10/15 (\$93.75) re: Fisher Ridge
- #14247A dated 04/10/15 (\$125.00) re: Myles View Drive
- #14281A dated 05/15/15 (\$1,281.25) re: Myles View Drive
- #14305A dated 06/03/15 (\$562.50) re: Myles View Drive
- #14221B dated 12/31/14 (\$906.25) re: Littleton Way
- #14247C dated 04/10/15 (\$373.75) re: Littleton Way

FYI ITEMS

- PB Meeting Schedule July – December 2015
- ZBA decision, 301 Washington Street / Malone

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