



# Town of Duxbury Massachusetts Planning Board

## Minutes 07/13/15

The Planning Board met on Monday, July 13, 2015 at 7:00 PM at the Duxbury Town Hall, Small Conference Room.

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

Absent: No one was absent.

Staff: Diane Grant, Administrative Assistant.

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

### OPEN FORUM

Zoning Bylaw Review Committee (ZBRC): Mr. Casagrande stated that he has reached out to the ZBRC chair, Ms. Judi Barrett, because the committee has not met in several months. He will report back with any updates.

Economic Advisory Committee (EAC): Mr. Bear reported that his recent presentation on the Hall's Corner revitalization project to the Board of Selectmen was very well received.

New Construction/Business Update: Mr. Wadsworth reported that he had met with Mr. Scott Lambiase, Director of Municipal Services, about building activity in the town. Mr. Wadsworth reported that on Standish Street an existing historic home will be used as a guest house and a new, larger dwelling will be constructed on the site. There is a similar situation on Harrison Street, and there may be coverage issues there as well. Mr. Casagrande stated that the Building Department will not issue a Certificate of Occupancy until the accessory structure is inspected to confirm that the stove has been removed.

Mr. Wadsworth also reported on new businesses: since the Duxbury Clipper moved to Tremont Street, the old Clipper office will now be used as a general office building. On Standish Street the former florist shop that moved to Depot Street is proposed to be a bakery and sandwich shop. Mr. Wadsworth stated that he asked Mr. Lambiase if a change in use permit would be required and Mr. Lambiase had responded that it is changing from retail to retail. Mr. Bear stated that a change in use permit should be required and the proper procedures should be followed.

Duxbury Estates Fee in Lieu of Affordable Housing: Ms. Grant report that the developers have recently paid \$579,000.00 toward the fee in lieu of affordable housing that the Planning Board negotiated. Two more payments of \$193,000.00 are due in conjunction with obtaining building permits for the 35<sup>th</sup> and 36<sup>th</sup> building permits. Three more installments are also due totaling \$75,000.00 upon the sale of units.

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Zoning Bylaw Amendment: Ms. Grant reported that the Attorney General has approved the one Zoning Bylaw amendment that passed at Annual Town Meeting 2015 referencing the Duxbury Affordable Housing Trust instead of the Local Housing Partnership. New Zoning Bylaws will be printed.

Planning Board Meeting Schedule: Ms. Grant announced that there will be a change in the Planning Board schedule in August. The Planning Board will meet the first and third Monday, August 3 and August 17, instead of its usual schedule on the second and fourth Mondays, in order to meet in the Mural Room and be broadcast live on PAC-TV. Ms. Grant noted that the Planning Board is also scheduled to meet for three successive Mondays, September 14, 21 and 28, in order to conduct interviews with Planning Director finalists.

### **DISCUSSION: POTENTIAL DEFINITIVE SUBDIVISION: TEAKETTLE LANE EXTENSION / BITTERS**

Present for the discussion was the property owner, Mr. David Bitters of 62 Teakettle Lane. Mr. Wadsworth invited him to present a study plan that he had submitted at a recent Planning Board meeting on June 22, 2015. Mr. Bitters stated that the property has been owned by his family for over 100 years. He developed two properties on the land and is trying to provide access over an existing way. He stated that he has previously paved portions of the road and now he is proposing to pave up to where Teakettle Lane connects with Modoc Street. He noted that the Town of Duxbury Water Department has requested a right-of-way on Teakettle Lane in order to access an adjacent well. He would like to develop the land at the same time that the roadway improvements are being done. He stated that he is proposing four new lots. He stated that fire apparatus can use Teakettle Lane now, but he will need to extend the paving in order to reach the four new lots. He stated that the lane is 14 feet wide and he would like to widen it to 18 feet and add a hammerhead at the end. He proposes three fire hydrants, and there are none now. There is currently gas and electrical service partway down the road. Mr. Bitters asked if the next step would be an Approval Not Required (ANR) plan.

Mr. Wadsworth stated that if Mr. Bitters submitted an ANR plan, he would ask for Town Counsel to confirm his belief that it is actually a subdivision under MGL Chapter 40A. Ms. Turcotte agreed, noting that changing lot lines into smaller lots and adding a roadway and utilities is a subdivision, not an ANR. She advised Mr. Bitters to file for a subdivision.

Mr. Glennon stated that Mr. Bitters is on the right track coming to the Planning Board, noting that in 1992 the Planning Board had advised him that they would approve an ANR only for that one instance. He noted that the property would be more marketable with a roadway and utilities installed in accordance with Subdivision Rules and Regulations. Mr. Bitters stated that he has had numerous offers on the properties already, and in his mind a subdivision would take away the rural appeal.

Mr. Wadsworth stated that in order to construct a roadway, Mr. Bitters needs to follow guidelines in the Subdivision Rules and Regulations for three or more lots. He also noted that hammerheads are not allowed in subdivisions with three or more lots.

Mr. Bitters stated that he did not see his proposal as a subdivision, noting that vehicles have travelled the road since the 1950s. Mr. Wadsworth stated that he has driven on the path and it is very narrow and access would be an issue for safety vehicles.

Mr. Glennon stated that for an ANR the proposed lots are required to have frontage on an existing way as is. In this case Mr. Bitters is proposing to pave a roadway, so that is a subdivision.

Mr. Bear recommended that Mr. Bitters review requirements for ANRs, noting that his proposal does not fit. He stated that what Mr. Bitters has described is a subdivision because road construction and utilities are



proposed along with lot line changes. Ms. Turcotte and Mr. Casagrande advised Mr. Bitters to contact a professional engineer who can help guide him through the subdivision process.

Mr. Uitti suggested that Mr. Bitters seek professional advice from an engineer and/or an attorney because the Planning Board cannot advise him further. He stated that Mr. Bitters needs to make his own decision on how to file and the Planning Board will make a finding based on what is submitted.

### **ANR PLAN OF LAND: 1398 & 1396 TREMONT STREET / DORAN & LEE**

Mr. Russell Stefani of Flaherty & Stefani in Plymouth was present to represent the applicants, the Dorans. He explained that the applicants propose a land swap of equal area. He stated that he had met with Mr. Thomas Broadrick when he was Planning Director. He stated that the Dorans would like to build an addition to their house and need more land in order to meet setback requirements. He proposed that Parcel B would go to the Lee property and Parcel A would go to the Doran property.

Mr. Wadsworth confirmed that frontage would not be affected by the land swap.

Mr. Glennon asked who owns the easement shown on the plan, and Mr. Stefani responded that it was an open space buffer. Mr. Glennon noted that the Planning Board is not the holder of the easement. He stated that he had noticed on the Assessor's property card that Parcel A may be subject to Chapter 61A agricultural land, and if land is taken away it may have tax implications. He cautioned Mr. Stefani to make sure that he notify his client regarding potential tax ramifications. Mr. Stefani stated that an attorney would be preparing the deeds. Mr. Glennon asked if Mr. Stefani would prefer to seek advice from counsel prior to Planning Board endorsement of the ANR plan. Mr. Stefani stated that nothing was mentioned to him by the clients.

Mr. Wadsworth noted that Note 5 on the ANR plan states that, "Parcel A is to be taken out of the 'Open Space Buffer Easement' and replaced with Parcel B to now be 'Open Space Buffer Easement.'" Mr. Glennon stated that the open space buffer easement is outside the Planning Board's jurisdiction. Mr. Bear stated that ANRs are typically for exchange of property and stated that he is concerned with a potential unintended consequence of endorsing the ANR plan. Mr. Stefani stated that the plan would not get recorded until the attorneys review all the information, noting that deeds reflect ownership, not the plan.

**MOTION:** Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to endorse an ANR plan of land entitled, "Plan of Land in Duxbury, Massachusetts Showing Land to be Exchanged Between Francis R. & Christina M. Doran and Christopher Lee, 1396 & 1398 Tremont Street," dated May 25, 2015 and submitted to the Planning Office on July 1, 2015, prepared by Flaherty & Stefani, Inc. 67 Samoset Street, Plymouth, MA, stamped and signed by Russell V. Stefani, PLS, scale 1" = 60,' as not requiring approval under Subdivision Control Law.

**VOTE:** The motion carried unanimously, 7-0.

The Planning Board members endorsed the mylar and two paper copies of the plan. Mr. Stefani signed a mylar release form and took the mylars to be recorded at the Plymouth County Registry of Deeds.

### **CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: LITTLETOWN WAY / NASS & ALFIERI**

No one was present for the public hearing. Ms. Grant explained that the applicants' representative, Mr. Daniel Orwig, could not submit revised plans due to a medical emergency, and the applicant had requested more time to submit revised plans.



**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to continue the public hearing for Littletown Way Definitive Subdivision / Nass & Alfieri, until July 27, 2015 at 7:05 PM, with revised plans due by July 20, 2015.

**VOTE:** The motion carried unanimously, 7-0.

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

No one was present to represent this request for As-Built approval. At the last Planning Board meeting on June 22, 2015 the applicant was advised to revise As-Built plans and so far no revised plans have been submitted. Mr. Wadsworth reported that he and Mr. Patrick Brennan of Amory Engineers, town consulting engineer for the project, had gone on a site inspection. He reported that three of the four property owners approached them with various complaints regarding the development. Ms. Turcotte noted that the As-Built cannot be approved until the grass grows.

### **UPDATE ON PLANNING DIRECTOR SEARCH PROCESS**

Mr. Wadsworth reported that he and Mr. Bear have been appointed by the Board of Selectmen to the Planning Director Hiring Team. Also appointed to the hiring team are: Mr. René Read, Town Manager; Mr. Shawn Dahlen, Board of Selectmen; Ms. Patricia Loring, citizen-at-large; and Ms. Jeannie Horne and Ms. Marianne Gonsalves from the Human Resources Department. Mr. Wadsworth reported that he was elected chair of the hiring team and the group will meet on August 17 to screen initial applicants to determine the finalists who will be interviewed by the Planning Board. The Planning Board meetings of September 14 and September 21, 2015 have been set aside for interviewing candidates, with no other business to be conducted. Mr. Wadsworth noted that Mr. Glennon, Planning Board vice chairman, will run those meetings because Mr. Wadsworth will be out of the country during September.

Mr. Wadsworth reported that the initial screening by the hiring team will be in executive session, and the interviews with the Planning Board will be in open session, in accordance with the Open Meeting Law.

Mr. Wadsworth reported that the Planning Director position is posted at a salary range of \$60,000 to \$66,000, when the actual salary range for that position is \$60,000 to \$85,000. He stated that he leaves the salary decisions to the Human Resources Department. Mr. Casagrande expressed concern that with the narrow salary range, qualified candidates may not apply. He asked if there is a plan to increase job responsibilities in the future. Mr. Wadsworth stated that there has been no discussion regarding potential changes in the position. Mr. Bear noted that the Board of Selectmen made clear that the Town Manager is not to initiate any changes in the position. He also noted that it is important that Planning Board members attend both interview dates because they can only vote if they are present for both interviews. Mr. Wadsworth reported that the hiring team will prepare a list of questions for the Planning Board to ask candidates at the interviews.

### **OTHER BUSINESS**

Tree Protection Bylaw: Mr. Bear stated that Ms. Lorrie Hall is bringing her proposed Tree Protection Bylaw to the Duxbury Rural and Historical Society. He stated that the proposed Tree Protection Bylaw is not sponsored by the Open Space Committee. He suggested that if the Planning Board does not support the proposed bylaw, the Planning Board should not encourage Ms. Hall to continue proposing it.

Interim Planning Director: Mr. Bear asked if an Interim Planning Director will be hired, and Mr. Wadsworth stated that he had offered to help out and the Town Manager advised him not to help because he may find himself in a position of advising a potential applicant.

## ADJOURNMENT

The Planning Board meeting adjourned at 8:23 PM. The next Planning Board meeting will take place on Monday, July 27, 2015 at 7:00 PM at Duxbury Town Hall, Small Conference Room, 878 Tremont Street.

## MATERIALS REVIEWED

### Discussion: Potential Definitive Subdivision: Teakettle Lane Extension / Bitters

- Study plan and materials submitted at PB meeting on 06/22/15
- ANR plan endorsed by 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: 1398 & 1396 Tremont Street / Doran & Lee

- ANR application and plan submitted on 07/01/15
- Vision GIS map, aerial photo, and Assessor's property cards

### Continued Public Hearing, Definitive Subdivision: Littleton Way / Nass & Alfieri

- Waiver Requests submitted by applicant at PB meeting on 06/08/15
- Draft decision
- Emails between T. Broadrick, L. Alfieri, D. Grant and D. Orwig dated 07/01/15 – 07/07/15 re: plan revisions
- Draft Declaration of the 'Littleton Way Homeowners' Association Trust' submitted on 07/01/15

### As-Built Approval Request: Fisher Ridge Residential Compatibility Cluster / Fisher Ridge Realty LLC

- Letter from P. Brennan of Amory Engineers dated 06/15/15
- Emails between S. Vazza and T. Broadrick dated 06/25/15
- Inspection report submitted by P. Brennan on 07/10/15 (*distributed at meeting*)

### Update on Planning Director Search Process

- Town of Duxbury Planning Director Hiring Search Timeline dated 06/11/15
- Town of Duxbury Planning Director Hiring Search Timeline dated 06/11/15, updated 07/09/15 (*distributed at meeting*)

### Other Business

- PB Meeting Schedule July – December 2015
- ZBA Decision, 282 St. George Street / Jeffcote (*granted*)
- Construction Cost Estimates for June 2015
- PB members/families "In the News"

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