



Town of Duxbury Massachusetts Planning Board

Approved 09/28/15

TOWN CLERK
15 SEP 30 AM 9:25
DUXBURY, MASS.

Minutes 07/27/15

The Planning Board met on Monday, July 27, 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; and John Bear.

Absent: Scott Casagrande, Jennifer Turcotte, and David Uitti.

Staff: Diane Grant, Administrative Assistant.

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

OPEN FORUM

No items were brought forward for Open Forum.

APPROVAL OF PLANNING BOARD COVENANT, PROPOSED HOMEOWNERS' ASSOCIATION, ENDORSEMENT OF FINAL APPROVED PLANS, AND CORRECTION TO CERTIFICATE OF NOTIFICATION, DEFINITIVE SUBDIVISION: SHANTUM LANE (MYLES VIEW DRIVE EXTENSION) / PONTIFF

Present for the discussion was the applicant, Mr. Eric Pontiff. Also present was Ms. Susan Kelley, the Town Clerk, who had agreed to attend the meeting in order to notarize documents to be signed by Planning Board members.

Mr. Wadsworth noted that Mr. Pontiff is requesting a Lot Release for Lot C, asking if the owner of Lot C would be asked to contribute to the Homeowners' Association. Mr. Pontiff stated that it is unlikely that the driveway would be reconfigured into a Shantum Lane access. He noted that he is requesting for an additional lot that was not part of the Definitive Subdivision to be included in the Homeowners' Association because, although it has legal frontage on Standish Street, it is likely that a driveway access will be from Shantum Lane.

Mr. Bear stated that he has no issue with including a lot to be part of the Homeowners' Association even though it was not part of the subdivision. Mr. Glennon stated that the more important issue is the proposed release of Lot C. He referenced an email from Town Counsel dated July 27, 2015 stating that as long as the owner of Lot A and Lot B can access their property from Shantum Lane, that there is no issue with releasing Lot C or excluding it from the Homeowners' Association.

Mr. Bear noted that the lot lines will change for Lot C and Lot C will require frontage from Shantum Lane in order to conform. Mr. Glennon noted that Lot C takes 194 feet of frontage from Myles View Drive so Lot C

will need 6 feet of frontage from Shantum Lane for legal frontage even if the access is off of Myles View Drive. He stated that it may be more prudent to wait until Lot C is built prior to releasing it.

Mr. Pontiff stated that when the plan is approved and recorded the frontage will be legal.

Mr. Wadsworth stated that he does not have a problem with releasing Lot C. Mr. Bear agreed that it is difficult to come up with a specific risk in excluding Lot C.

Ms. Grant recommended that the Planning Board first address the Planning Board Covenant prior to considering the Lot Release request.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to approve a Planning Board Covenant for Shantum Lane / Pontiff Definitive Subdivision approved on June 22, 2015.

VOTE: The motion carried unanimously, 4-0.

Planning Board members signed the Planning Board covenant and Ms. Kelley notarized their signatures.

Mr. Wadsworth then re-addressed the Lot Release request for Lot C. He stated that whether the road is built or not, it would not impact Lot C, noting that the Planning Board has approved the frontage. Mr. Bear agreed that he saw no risk for the Town of Duxbury in releasing Lot C.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to approve the release of Lot C only as shown on a Definitive Subdivision Plan for Shantum Lane / Pontiff approved on June 22, 2015.

VOTE: The motion carried 3-1, with Mr. Glennon voting against.

Planning Board members signed the Lot Release form for Lot C. Mr. Glennon stated that he would sign the form in order to acknowledge how the majority of the Planning Board members voted.

Board members then reviewed the Homeowners Association (HOA) documents. Mr. Pontiff stated that the Operations & Maintenance Plan must be mandatory and enforceable, noting that language is included. Mr. Glennon noted that Town Counsel, Atty. George Hall, had posed the question: Does the Town want the right to compel compliance? He stated that in another HOA it is included but in this one it is not specified. Mr. Glennon stated that he is not interested in using town funds to defend a lawsuit against the homeowners in court. Mr. Wadsworth asked if the Planning Board members would prefer that the Town of Duxbury remedy conditions that are not handled by the HOA. Mr. Bear noted that the Town would be doing work that the HOA should have done. Mr. Wadsworth stated that an option would be for the Town to sue the HOA to do the work. Mr. Glennon again stated that it would be expensive to do that. Ms. Ladd Fiorini stated that the clause is a benefit to the homeowners, not the town. Mr. Wadsworth stated that if the road is not plowed emergency public safety equipment could not reach the homes. Mr. Bear stated that in an emergency the Town would find a way to reach the home.

Mr. Pontiff stated that he is open to whatever the Planning Board members decide. He noted that the Definitive Subdivision decision states that the Operations & Maintenance plan is required to be part of the HOA, and the Operations & Maintenance Plan specifies yearly inspections and reports to the Planning Board.

Mr. Glennon noted that Lot 3 is included in the proposed Homeowners Association, adding that it was not part of the Definitive Subdivision but a separate ANR lot. Mr. Pontiff stated that the intention is for that lot to

access its driveway off of Shantum Lane. He noted that Lot 3 would be part of the HOA and Lot C would not be included in the HOA.

MOTION: Mr. Bear made a motion, and Ms. Ladd Fiorini provided a second, to approve the "Declaration of Shantum Lane Association Trust and Declaration of Easements" for Shantum Lane Definitive Subdivision, as submitted to the Planning Office on July 22, 2015.

VOTE: The motion carried 3-1, with Mr. Glennon voting against.

Ms. Grant explained that a clerical error was discovered in a waiver description in the final decision for the Definitive Subdivision. Mr. Wadsworth called for a motion to amend the Certificate of Notification.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to amend the Certificate of Notification for Littletown Way Definitive Subdivision decision dated June 23, 2015 in order to correct a clerical error in Approved Waiver #2 to change the approved street length from 1,040 feet (incorrect) to 1,300 feet (correct).

VOTE: The motion carried unanimously, 4-0.

Mr. Wadsworth directed staff to prepare an amendment memorandum to be posted with Town Clerk and then recorded with other documents at the Registry of Deeds. Planning Board members then endorsed the final Definitive Subdivision mylars and one set of paper plans.

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

No one was present to represent the application. Ms. Grant explained that a quorum is not present to conduct tonight's public hearing on this Definitive Subdivision. Four Planning Board members were present, but Mr. Bear was not eligible to participate due to the Mullin Rule.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to continue the public hearing for Littletown Way Definitive Subdivision / Nass & Alfieri, until August 17, 2015 at 7:10 PM.

VOTE: The motion carried unanimously, 4-0.

Planning Board members signed a mutual extension form for the applicant to sign the following day at the Planning Office.

RECOMMENDATION FOR MAPC REPRESENTATIVE

Ms. Grant explained that the Board of Selectmen is looking for a recommendation from the Planning Board to fill the vacant position of Duxbury representative to the Metropolitan Area Planning Council most recently held by Mr. Thomas Broadrick, former Planning Director who has retired from the Town of Duxbury. Board members agreed to defer discussion until a future Planning Board meeting when more members could be present.

UPDATE ON PLANNING DIRECTOR SEARCH PROCESS

Mr. Wadsworth reported that to date two applications have been submitted for the position of Planning Director, and the deadline for applications is August 6, 2015. He noted that there is some talk that the position's posted salary range of \$60,000 to \$66,000 is too low. Mr. Bear, who serves on the Planning Director Hiring Team along with Mr. Wadsworth, noted that the posted salary range is not the actual salary range for the position. Ms. Ladd Fiorini asked why the salary range was not posted to reflect the higher range, and Mr. Bear responded that it is a Human Resources Department decision. Mr. Wadsworth stated that he and Mr. Bear would discuss the matter with the Hiring Team at its next meeting.

OTHER BUSINESSMeeting Minutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve meeting minutes of June 8, 2015 as amended.

VOTE: The motion carried 3-0-1, with Mr. Bear abstaining.

Engineering Invoice:

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to approve Amory invoice #14331A dated June 30, 2015 in the amount of \$187.50 for services related to Shantum Lane.

VOTE: The motion carried unanimously, 4-0.

ADJOURNMENT

The Planning Board meeting adjourned at 8:24 PM. The next Planning Board meeting will take place on Monday, August 3, 2015 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

MATERIALS REVIEWED**Approval of Planning Board Covenant, Proposed Homeowners' Association, Endorsement of Final Approved Plans, and Correction to Certificate of Notification, Definitive Subdivision: Shantum Lane (Myles View Drive Extension) / Pontiff**

- Cover letter from Withington & Bitters dated 07/15/15
- Proposed Declaration of Trust Establishing Shantum Lane Association Trust and Declaration of Easements submitted on 07/16/15
- Proposed Operation and Maintenance Plan (During Construction and Post-Construction)
- Instrument of Release of Covenant for Lot C submitted on 07/16/15
- Emails between D. Grant, R. Read, N. Pickering-Cook and G. Hall dated 07/16/15 – 07/22/15

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

- Waiver Requests submitted by applicant at PB meeting on 06/08/15
- Draft decision
- Proposed Declaration of the 'Littletown Way Homeowners' Association Trust' submitted on 07/01/15
- Emails between T. Broadrick, L. Alfieri, D. Grant and D. Orwig dated 07/01/15 – 07/07/15 re: plan revisions
- Revised plans dated 07/08/15 and submitted on 07/20/15
- Proposed Operation and Maintenance Plan submitted on 07/20/15
- Email from P. Brennan dated 07/20/15 re: Review of O&M Plan
- Email from G. Hall dated 07/21/15 re: Town Counsel review of proposed Declaration of the 'Littletown Way Homeowners' Association Trust' document
- Emails between D. Grant, P. Brennan, L. Alfieri et.al dated 07/20/15 – 07/22/15 re: Review of subdivision plans

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Recommendation for MAPC Representative

- Letter dated 07/20/15 from M. Draisen of MAPC to T. Flynn / BOS re: MAPC representative

Update on Planning Director Search Process

- Updated Town of Duxbury Planning Director Hiring Search Timeline submitted to Planning Office on 07/09/15

Other Business

- Meeting minutes of 06/08/15
- Amory Engineers invoice #14331A (\$187.50) re: Myles View Drive (Shantum Lane)
- Letter from Mass Historical Commission to BOS dated 06/22/15 re: Myles Standish Burial Ground added to National Register of Historic Places

Documents Handed Out at Planning Board Meeting

- Shantum Lane Declaration of Trust Establishing Shantum Lane Association Trust and Declaration of Easements (Both Systems) submitted to Planning Office on 07/22/15
- Emails between D. Grant, R. Read, and G. Hall et. al re: review of Shantum Lane proposed Homeowners Association and Lot Release request
- Emails between D. Grant, R. Read, and G. Hall et. al re: amending clerical error in Shantum Lane Certificate of Notification
- Emails between R. Read, L. Alfieri, and G. Hall et. al re: Littleton Way proposed Homeowners Association

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