



Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

Minutes 09/28/15

The Planning Board met on Monday, September 28, 2015 at 7:00 PM at the Duxbury Town Hall, Small Conference Room.

Present: Brian Glennon, Vice Chairman; Scott Casagrande, Jennifer Turcotte, and David Uitti.

Absent: George Wadsworth, Chairman; Cynthia Ladd Fiorini, Clerk; and John Bear.

Staff: Mary Elizabeth Burgess, Interim Planning Director; and Diane Grant, Administrative Assistant.

Mr. Glennon called the meeting to order at 7:00 PM.

OPEN FORUM

Zoning Bylaw Review Committee (ZBRC): Mr. Casagrande reported that he, Ms. Judi Barrett, and Atty. George Hall of Anderson & Kreiger had met with Town Manager, Mr. René Read, recently to discuss the status of reviews performed by the consultant, Anderson & Kreiger. Once the consultant reports are completed, the ZBRC will resume meeting on a more regular basis.

Planning Director Position: Mr. Glennon reported that the new permanent Planning Director, Ms. Valerie Massard, is scheduled to start work in mid-October, and the plan is for her to overlap for a day with current Interim Planning Director Ms. Mary Elizabeth Burgess.

PRESENTATION OF INFORMAL SITE PLAN REVIEW: CHAPEL RECONSTRUCTION, 50 HARDEN HILL / SOCIETY OF SAINT MARGARET

Present for the discussion for the Society of Saint Margaret were Sister Adele Marie Ryan and Sister Carolyn Darr; and their representatives: Mr. Rick Grady of Grady Consulting in Kingston; and Mr. Will Saltonstall and Mr. C. Jay Wilbur of Saltonstall Architects in Marion. The Society of Saint Margaret proposes to raze an existing chapel and construct a new, larger one. The Building Inspector has determined that this religious facility is exempt from Administrative Site Plan Review. However, the property owners had requested to make an informal presentation to the Planning Board.

Mr. Saltonstall introduced the project, noting that it has been in the planning stage for some time because the Sisters are spending more time at the Duxbury location. He stated that the larger footprint will provide more support space to the chapel. He stated that the Historical Commission has determined that demolition delay is not required, and so the Sisters hope to start construction this fall. He stated that the space will provide a private chapel for the Sisters with no increase in impact. Some friends and invited guests may use the chapel, along with people who use the Bertram Retreat Center next door which is also owned by the Society. Parking was designed to minimize the intensity of use, and exterior lighting is residential-scale onion lights.

Mr. Rick Grady provided an overview of the site, noting that it is a 4.7 acre site off of Harden Hill Road. The new chapel will be constructed in a similar location to the existing chapel. A new driveway is proposed in order to provide handicap access and passenger drop-off. The lot coverage would increase from 5.5 percent to 6.8 percent, well within the 15 percent limit. A sidewalk will be constructed off the driveway. Additional drywells will be constructed. Parking will be available in the existing house lot and also along Harden Hill Road.

Ms. Burgess asked why the new drywells will be located so far away from the structure, and Mr. Rick Grady replied that they are located approximately 20 feet from the structure in order to prevent water near the foundation. Ms. Burgess asked if stormwater runoff would be piped to the drywell, and Mr. Rick Grady confirmed that it would.

Mr. Glennon asked about any proposed change in occupancy for the chapel, and Mr. Wilbur responded that the existing seating is 90-100 and the proposed seating adds 10-15 seats. Side aisles have been added, along with a sacristy area, a bathroom, and an incense closet.

Mr. Glennon asked about any proposed change in height of the structure, and Mr. Wilbur responded that the new building would be approximately 6-8 feet taller to the top of the ridge. A proposed bell tower adds another 6 feet, two feet higher than the current bell tower, in proportion to the size of the new structure.

Mr. Glennon asked if a columbarium is proposed, and Sister Carolyn stated that there is no columbarium now to house the ashes of the Sisters as they pass away. She noted that also there is no heat, no running water, and no bathroom in the existing chapel. Mr. Wilbur added that the columbarium would be placed under a 42-inch high shelf.

Mr. Glennon asked if windows are proposed in any new direction. Mr. Wilbur replied that the structure is oriented in the same general direction. Mr. Glennon asked if a basement is included in the plans, and Mr. Wilbur responded that there is a basement under the wings and the remainder of the building has a crawl space. Mr. Saltonstall stated that the basement will be for mechanical systems and storage.

Mr. Glennon thanked the proponents for their presentation, noting that no vote is required from the Planning Board.

PLANNING BOARD COVENANT AND ENDORSEMENT OF MYLARS: LITTLETOWN WAY DEFINITIVE SUBDIVISION / NASS & ALFIERI

Present for the discussion was the applicant, Atty. Lee Alfieri, and his representative, Mr. Daniel Orwig of Orwig Associates. The Planning Board had approved the Definitive Subdivision at its meeting on August 17, 2015 and the 20-day appeal period had passed with no appeal. In addition, the applicants had submitted a Planning Board Covenant for Planning Board review and signatures.

Mr. Orwig stated that the Planning Office had requested mylars for all ten sheets of the approved Definitive Subdivision, noting that only the title sheet will be recorded. He noted that he had made mylars from his set of paper plans. Ms. Turcotte stated that she believes all sheets need to be recorded. Ms. Turcotte also stated that each mylar sheet requires a wet stamp by a professional engineer. Mr. Orwig stated that he could print mylars but they will be different from the approved plans. Ms. Burgess stated that mylars need to be submitted that match the originally approved plans and wet-stamped by a professional engineer. She also noted that signature blocks need to be added to all sheets. Mr. Orwig offered to do so.

Mr. Glennon noted that the Planning Board Covenant is notarized on behalf of the applicant by the applicant's spouse. Ms. Burgess noted that minor changes are needed on the document. Atty. Alfieri stated that he is not taking an interest in the sale of the property so his spouse may notarize the document. However, he agreed to revise the document and have it notarized by a non-relative.

MOTION: Ms. Turcotte made a motion, and Mr. Utti provided a second, to continue review of the Littletown Way plans and Planning Board Covenant until Monday, October 26, 2015 at 7:00 PM, with stamped mylars and revised Planning Board Covenant due to the Planning Office a week in advance.

VOTE: The motion carried unanimously, 4-0.

Atty. Alfieri and Mr. Orwig departed the meeting.

ANR PLAN OF LAND: 0 & 301 TEMPLE STREET / MERRY

Present to represent the applicants was Mr. Robert Crawford of Environmental Engineering Technologies, Inc. in Marshfield. Mr. Crawford explained that the applicants would like to take two lots out of a 38-acre parcel on Temple Street. The parcel is zoned Residential Compatibility, and portions are zoned Aquifer Protection Overlay District and Wetlands Protection Overlay District.

Ms. Burgess noted that both lots have adequate frontage. Mr. Glennon asked about "Area A" shown on the plan and Mr. Crawford responded that "Area A" is not included in lot area by definition.

Ms. Turcotte asked if the parcel depicted as "Plot 068/040/000" will be part of Lot A, and Mr. Crawford confirmed that it will.

MOTION: Mr. Utti made a motion, and Ms. Turcotte provided a second, to endorse a plan of land entitled "Plan of Land, Temple Street, Duxbury, Mass." dated September 10, 2015, drawn by Environmental Engineering Technologies Inc., 465 Furnace Street, Marshfield, MA 02050, stamped and signed by Neil J. Murphy, RLS, as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 4-0.

Planning Board members signed the mylar and two paper copies of the plan, and Mr. Crawford signed a mylar release to take the mylar to be recorded at the Registry of Deeds.

ANR PLAN OF LAND: 30 RAILROAD AVENUE & SAINT GEORGE STREET / S&G ASSOCIATES

Present to represent the application was Mr. Michael Pimentel of JC Engineering in East Wareham. Planning Board members reviewed the ANR plan that would create separate lots for each structure and also would create a new vacant parcel.

Mr. Pimentel stated that the property is located in the Neighborhood Business 2 District and all lots meet frontage and setback requirements. Ms. Burgess advised the board that she and Mr. Pimentel had discussed frontage on the corner lot. She stated that Zoning Bylaws define frontage as measured for corner lots between one side lot line and the midpoint of the corner. She stated that the ANR Handbook does not reference corner lots but says that in the absence of guidelines frontage must be at least 20 feet. She stated that it is up to the Planning Board to determine whether minimum frontage requirements are met on the corner lot.

Ms. Turcotte calculated the frontage using numbers Ms. Burgess had provided. She stated that it appears that the corner lot, labelled Lot B1, has 101.92 feet of frontage on Railroad Avenue. Mr. Glennon asked if Lot B1 has 100+ feet of frontage on Saint George Street, and Ms. Turcotte replied that it appears to have 50.18 feet of frontage on Saint George Street. Mr. Casagrande stated that minimum frontage is not required on both streets of the corner.

Mr. Glennon noted that the Planning Board had recently endorsed another ANR plan on this same property. He asked if there has been a change in plans. Mr. Pimentel stated that the previous ANR had split off the property labelled Lot A on the current plan in order to sell the property to the owners of Yo Taco. He stated that the owner may want to sell the other buildings also.

Mr. Glennon noted that the Planning Board's endorsement of the ANR plan does not certify zoning compliance. Mr. Casagrande noted that parking may be an issue for future owners.

MOTION: Mr. Casagrande made a motion, and Mr. Uitti provided a second, to endorse a plan of land entitled "Approval Not Required at 277 & 285 St. George Street in Duxbury, Massachusetts (Plymouth County)" dated September 1, 2015, drawn by JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538, stamped and signed by John L. Churchill, RPLS, as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 4-0.

Planning Board members signed the mylar and two paper copies of the plan, and Mr. Pimentel signed a mylar release to take the mylar to be recorded at the Registry of Deeds.

ZBA REFERRAL, SPECIAL PERMIT & VARIANCE: 36 PRISCILLA LANE / LOVETT

No one was present to represent this application to construct two separate additions and an entry way to a pre-existing nonconforming structure, increasing the encroachment on the front setback and increasing the coverage beyond the allowable amount. Ms. Burgess stated that she was not able to find any soil, shape or topographical limitations that would warrant a variance, and she sees no reason the property owners could not comply with required setbacks.

Mr. Casagrande stated that it appears to be a typical small Duxbury lot with a deck, noting that the proposed structure would conform with the side setback. He stated that most of the houses in the neighborhood are similar. It is a dead end street with about 8 or 9 houses. He stated that the Planning Board reviews applications for pre-existing nonconforming lots like this quite often.

Mr. Casagrande noted that coverage calculations were not provided in the application. He stated that according to his own calculations, the building coverage is 1,470 square feet (excluding decks) and 1,785 square feet is allowed on a lot size of 11,901 square feet. He stated that the proposed addition appears to create building coverage of 2,028 square feet excluding the decks, thereby creating a new nonconformity that does not exist with the current coverage. He stated that it would be up to the Zoning Board of Appeals to determine whether the proposal is more detrimental to the neighborhood.

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, to defer judgment to the Zoning Board of Appeals regarding a special permit / variance at 36 Priscilla Lane / Lovett to construct two separate additions and an entry way to a pre-existing nonconforming structure, pointing out that the Planning Board's review of the plan indicates that the applicant is proposing to create a new nonconformity. The existing lot coverage is currently at 12.4%, well within allowable 15% limits.

The proposed lot coverage is beyond even the "3% special permit rule" allowance thus creating a new nonconformity.

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

ZBA REFERRAL, SPECIAL PERMIT: 16 WASHINGTON STREET / SOBRAN

The applicant, Mr. Evan Sobran, was present to represent this Zoning Board of Appeals special permit application to operate a part-time home office. Mr. Glennon disclosed that his employer owns an abutting property. As a result of disqualification of Mr. Glennon due to this potential conflict of interest, the Planning Board would have lacked a sufficient number of members necessary to take a valid vote. Therefore Mr. Glennon invoked the Rule of Necessity under the State Ethics Commission so that the Planning Board could meet quorum requirements for meeting and voting on the special permit recommendation. Mr. Glennon did not provide any input during the discussion.

Mr. Sobran stated that the property is formerly a commercial space that he intends to eventually turn in to another commercial space. Ms. Burgess confirmed that parking requirements would be for Mr. Sobran, two other real estate agents, and one spot for clients. Mr. Sobran stated that there would probably be more than four spots available because the agents will not park at the office. Ms. Burgess asked if there is designated parking, and Mr. Sobran responded that it is located to the rear of the building. Ms. Burgess asked if there are two structures on the property, and Mr. Sobran replied that Dole & Dowd Jewelers operates from the other building on the other end of the lot.

Ms. Burgess asked if the front office would be his home, and Mr. Sobran replied that it would be a home office but eventually he hopes to turn it into a commercial property. Ms. Burgess asked about signage, and Mr. Sobran stated that he would take care of that separately, and for now his only intent is to obtain a special permit to operate a home occupation.

Mr. Casagrande stated that he is confused about why Mr. Sobran was asked to apply for a special permit because the property is zoned Neighborhood Business 1, and offices and residences are allowed in an NB1 district. He stated that he believes the use should be allowed by right. Mr. Uitti agreed.

Mr. Lester Lloyd and Ms. Mary Lynn Carson of 21 Washington Street were present as abutters to the project. Mr. Lloyd stated that home occupations require a special permit. Mr. Casagrande stated that it may be the case in a Residential Compatibility district but it is already zoned NB1.

Mr. Lloyd stated that he has two requests that he has already discussed with Mr. Sobran. The first request is for Mr. Sobran to replace a fence between his property and the Gulf station next door. The property owners at Gulf had previously cut down trees and a fence that provided a buffer between the gas station and the neighborhood. Mr. Lloyd stated that Mr. Sobran has indicated that he might relocate a fence to screen the gas station from the neighborhood.

The second request is regarding a large video monitor that Mr. Sobran had been displaying during evening hours. Mr. Lloyd stated that he did not feel it was appropriate to display a large video across the street from his residence. Mr. Sobran stated that he has stopped the evening display for now and is trying to work with the neighbors to come up with an agreeable solution, perhaps leaving the display on for an hour in the evening. Mr. Lloyd stated that he has no issue with the display during daylight hours and his issue would be displaying it after dark. Ms. Carson stated that a looped video running all night facing your home draws attention. Mr. Sobran agreed, stated that he would propose to run the video all day and one hour in the evening if possible.

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, to recommend approval to the Zoning Board of Appeals for a special permit at 16 Washington Street / Sobran to operate a part-time home office, noting that it is the Planning Board's opinion that the proposed change in use may be allowable by right in the Neighborhood Business District and may not require a special permit.

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

OTHER BUSINESS

Planning Board Meeting Minutes:

MOTION: Mr. Casagrande made a motion, and Mr. Uitti provided a second, to approve Planning Board minutes of July 27, 2015 as presented.

VOTE: The motion carried 3-0-1, with Ms. Turcotte abstaining.

MOTION: Mr. Uitti made a motion, and Mr. Casagrande provided a second, to approve Planning Board minutes of August 3, 2015 as presented.

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

MOTION: Ms. Turcotte made a motion, and Mr. Uitti provided a second, to approve Planning Board minutes of August 17, 2015 as amended.

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

MOTION: Ms. Turcotte made a motion, and Mr. Casagrande provided a second, to approve Planning Board minutes of September 14, 2015 as presented.

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

Planning Board Meeting Minutes:

MOTION: Mr. Casagrande made a motion, and Ms. Turcotte provided a second, to approve the Planning Board annual report for fiscal year 2015 as presented.

VOTE: The motion carried unanimously, 4-0.

ADJOURNMENT

The Planning Board meeting adjourned at 8:30 PM. The next Planning Board meeting will take place on Monday, October 26, 2015 at 7:00 PM at Duxbury Town Hall, Small Conference Room, 878 Tremont Street.

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MATERIALS REVIEWED

Presentation of Informal Site Plan Review: Chapel Reconstruction, 21 Harden Hill / Sisters of Saint Margaret

- Proposed site plan with cover letter dated 09/21/15

Planning Board Covenant and Endorsement of Mylars: Littleton Way Definitive Subdivision / Nass & Alfieri

- Planning Board Covenant

ANR Plan of Land: 0 & 301 Temple Street / Merry

- ANR application and plan submitted 09/14/15
- Vision GIS maps, aerial photo, and Assessor's property cards

ANR Plan of Land: 30 Railroad Avenue & Saint George Street / S&G Associates

- ANR application and plan stamped with Town Clerk on 09/22/15
- Vision GIS maps, aerial photo, and Assessor's property cards
- Email from M.E. Burgess to M. Pimentel dated 09/21/15
- ANR Handbook excerpt on frontage

ZBA Referral, Special Permit & Variance: 36 Priscilla Lane / Lovett

- ZBA materials submitted to the Planning Office on 09/02/15
- Vision GIS map, aerial photo, and Assessor's property card

ZBA Referral, Special Permit: 16 Washington Street / Sobran

- ZBA materials submitted to the Planning Office on 09/04/15
- Vision GIS map, aerial photo, and Assessor's property card
- ZBL 410.7 Home Occupation Special Permit Regulations

Other Business

- PB Minutes 07/27/15
- PB Minutes 08/03/15
- PB Minutes 08/17/15
- PB Minutes 09/14/15
- Planning Board Annual Report FY2015
- Special Town Meeting Warrant (Monday, 10/05/15 at 7:00 PM)
- Construction Cost Estimates for August 2015
- ZBA Decision: 105 Alden Street / Alden Kindred of America

Distributed at Meeting

- Email from M.E. Burgess to Atty. Alfieri and Mr. Orwig dated 09/28/15 re: mylars and PB covenant
- CPTC fall workshop schedule

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