

Approved 03/23/2016



# Town of Duxbury Massachusetts Planning Board

TOWN CLERK  
2016 MAR 25 AM 10:00  
DUXBURY, MASS.

## Minutes 03/09/16

The Planning Board met on Wednesday, March 9, 2016 at 7:00 PM at the Duxbury Town Hall, Mural Room.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; Scott Casagrande, and David Uitti.

Absent: Cynthia Ladd Fiorini, Clerk; John Bear, and Jennifer Turcotte.

Staff: Valerie Massard, Planning Director; and Diane Grant, Administrative Assistant.

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

### OPEN FORUM

No items were brought forward under Open Forum.

### ADMINISTRATIVE NOTES

**MOTION:** Mr. Glennon made a motion, and Mr. Casagrande provided a second, to approve Administrative Notes as presented:

- APPROVAL of Administrative Site Plan Review Decision: Millbrook Marketplace, 277 & 285 Saint George Street & 30 Railroad Avenue / Juliano
- RECOMMEND APPROVAL of ZBA referral, special permit #2016-7: 237 King Caesar Road / Garrett, to reconstruct an existing pier.

**VOTE:** The motion carried unanimously, 4-0.

### ADMINISTRATIVE SITE PLAN REVIEW FIELD CHANGE: 421 ELM STREET / T-MOBILE & TOWER RESOURCE MANAGEMENT, INC.

Present for the discussion were the property owners, Mr. Stuart Lee and Ms. Leslie Lee; and the applicants' representative, Atty. Edward Pare of Brown Rudnick in Providence, RI. Planning Board members reviewed a revised site plan and a memorandum dated March 3, 2016 from the Planning Director, Ms. Valerie Massard, explaining that after the original Administrative Site Plan Review (ASPR) and special permit approval, archaeological significance and other site conditions were discovered during diligence in siting the access drive leading to the proposed relocation of a portion of the access drive. She noted that no changes to the street entrance or monopole design are proposed.

Planning Board members learned that Native American artifacts were discovered in the area originally proposed for the roadway. Ms. Lee stated that the proposed change is better environmentally because fewer trees would need to be removed.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; [www.town.duxbury.ma.us/planning](http://www.town.duxbury.ma.us/planning)

Atty. Pare asked if the special permit requires an amendment to reference the new site plan. Ms. Massard responded that she has referred the matter to the Building Inspector, Mr. Scott Lambiase, because the special permit was issued by the Zoning Board of Appeals. She noted that there is also a change in ownership that should be referenced on the special permit.

Atty. Pare expressed concern with the timeframe, requesting that the Town of Duxbury give the applicants the time they need to get through the process. He stated that the decisions are due to expire within the next few months.

Ms. Massard noted that the ASPR decision was granted to a previous permit holder but the field change could be approved to apply to the original permit holder and its successors and assigns. She stated that there are no changes to the street access or the cell tower. The only changes are internal to the site and the change will result in fewer trees cut down.

**MOTION:** Mr. Glennon made a motion, and Mr. Casagrande provided a second, to approve a field change for the approved Administrative Site Plan Review for 421 Elm Street / T-Mobile & Tower Resource Management, in order to reconfigure the access as shown on a plan entitled, "Elm Street – RL, 421 Elm Street, Duxbury, MA 02332, Plymouth County," dated February 7, 2011; latest revision March 7, 2016; prepared by EG Advanced Engineering Group, P.C. in East Providence, RI; stamped by Scott N. Adams, RPE; 6 sheets. The Planning Board notes that this field change applies to the original permit holder and its successors and assigns.

**VOTE:** The motion carried unanimously, 4-0.

**ZBA REFERRAL, SPECIAL PERMIT: 19 DEPOT STREET / RUBIN**

Planning Board members reviewed this special permit amendment application to change a use from retail to restaurant in a Neighborhood Business District. Ms. Massard stated that the former Wool Basket retail space would become a pizza restaurant with limited seating and no change to the exterior.

Mr. Glennon stated that there are different parking requirements for restaurants than retail, and a pizza restaurant would have a lot of in-and-out traffic.

Ms. Massard stated that the applicants will upgrade existing parking and landscaping, and will remove one island. Mr. Wadsworth informed the public that this application is being reviewed as a special permit amendment, not an Administrative Site Plan Review. He suggested that the referral memo to the Zoning Board of Appeals (ZBA) should include a recommendation that the ZBA should review parking, handicap parking, and loading zone to ensure that they are adequate for the proposed use. Mr. Glennon and Mr. Uitti agreed. Mr. Uitti added that the ZBA referral materials state that there is no increase in parking but there is no data to back up that statement.

**MOTION:** Mr. Glennon made a motion, and Mr. Casagrande provided a second, to DEFER JUDGMENT to the Zoning Board of Appeals regarding Special Permit #2016-8, 19 Depot Street / Rubin, which is an amendment of Special Permit #76-6 and # 79-6, in order to change a use from retail to restaurant, noting that the Planning Board recommends that the Zoning Board of Appeals review parking, handicap parking, and loading zone to ensure that they are adequate for the proposed use.

**VOTE:** The motion carried unanimously, 4-0.

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**PREPARATION FOR ANNUAL TOWN MEETING**

Ms. Massard reviewed a spreadsheet of Planning Board Articles of Interest dated March 4, 2016, noting that several articles are expected to be Indefinitely Postponed, including proposed amendments regarding the FIRM Maps, the Demolition Delay Bylaw, Street Acceptance of Saw Mill Road, and the Webster Point Village easement.

Ms. Massard noted that today the State Historical Commission approved the proposed four Local Historic Districts. She stated that the public hearing will be tomorrow night. Mr. Casagrande asked why the Finance Committee voted against recommending the Local Historic District articles, and Ms. Massard replied that they had an issue with the house-by-house approach, because as more single-dwelling districts are added it may require more Town Hall staff.

Ms. Massard noted that the Planning Board is proposing two articles: Hall’s Corner survey and Comprehensive Plan. Mr. Wadsworth confirmed that Ms. Massard will speak to the articles if any questions are raised. Planning Board members thanked Ms. Massard for taking on this responsibility, and for her work on preparing for Annual Town Meeting.

Mr. Glennon asked if the Planning Board would need to meet on the morning of Annual Town Meeting, and Ms. Massard responded that the meeting was in place in case the FEMA map article was going forward, but now that the article will be indefinitely postponed no Planning Board meeting is needed. She stated that the Town of Duxbury had tried to avoid a Special Town Meeting but one may be required due to the FEMA maps.

**PLANNING DIRECTOR UPDATE**

FEMA Maps: Ms. Massard reported that the Planning Office had received four preliminary FEMA panels with only a few very minor changes relative to the November 2015 panels. She stated that there is no comment period for these latest preliminary maps (which all evolve out of the appeal of the 2013 FEMA maps). She reported that the Town of Duxbury is contacting FEMA to discuss next steps and if any resident is interested they can check with the Planning Office to determine what changes might be proposed on their property.

**OTHER BUSINESS**

Meeting Minutes:

**MOTION:** Mr. Uitti made a motion, and Mr. Casagrande provided a second, to approve minutes of February 10, 2016 as written.

**VOTE:** The motion carried unanimously, 4-0.

**MOTION:** Mr. Casagrande made a motion, and Mr. Glennon provided a second, to approve minutes of February 24, 2016 as amended.

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

Citizen Planner Training Collaborative: Mr. Wadsworth noted a flyer for the Citizen Planner Training Collaborative (CPTC) workshop to be held on March 19 in Worcester, stating that the workshops are informative and useful. Mr. Glennon stated that while he cannot attend, he would be interested in seeing handout materials for two of the workshops: “Site Plan Review” and “The Guidebook to Massachusetts Land Use Planning.” He also recommended that the link to the CPTC’s new web site be added to the Planning Department web site, noting that it might be helpful to the Planning Board, Zoning Board of Appeals, Building

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Inspector, and other land use groups. Mr. Wadsworth stated that he is interested in attending the afternoon workshop on "Stormwater Regulations Update—Is Your Community Ready?"

Ground-Mounted Solar Structures: Mr. Glennon noted a recent forum held by the Alternative Energy Committee on solar energy for residences, which he could not attend. He stated that with increased interest in solar panels more residents may be looking to install ground-mounted solar structures, and he suggested that the Planning Board consider adopting guidelines at a future meeting.

Action Items: Ms. Massard noted that she has a growing list of planning issues that need to be addressed and she would like the Planning Board's help in prioritizing them. She stated that she hopes to discuss this with the Planning Board in more detail at a future meeting.

Zoning Bylaw Review Committee (ZBRC): Mr. Wadsworth, who serves on the ZBRC, reported that they are working on separating out potential Zoning Bylaw amendments that affect policy and therefore are not in the ZBRC's purview and may be brought to the Planning Board in the future.

**ADJOURNMENT**

Planning Board meeting adjourned at 7:49 PM. The next Planning Board meeting will take place Wednesday, March 23, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street

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**MATERIALS REVIEWED**

**ASPR Decision: Millbrook Marketplace, 277 & 285 and 30 Railroad Avenue / Juliano**

- Draft decision

**ZBA Referral, Special Permit: 237 King Caesar Road / Garrett**

- ZBA application and materials submitted to Planning Department on 03/01/16
- Vision GIS map, aerial photo, and Assessor's property card

**Administrative Site Plan Review Field Change: 421 Elm Street / T-Mobile & Tower Resource Management, Inc.**

- Memo to PB from V. Massard dated 03/03/16
- Portion of site plan showing existing permitted and proposed relocation of drive
- Approved ASPR decision dated 05/25/11

**ZBA Referral, Special Permit: 19 Depot Street / Rubin**

- ZBA application and materials submitted to Planning Department on 03/01/16
- Vision GIS map, aerial photo, and Assessor's property card
- ARC-GIS aerial photo prepared by Planning Department 03/04/16

**Preparation for Annual Town Meeting**

- PB Articles of Interest spreadsheet dated 03/04/16

**Other Business**

- Draft PB minutes of 02/10/16
- Draft PB minutes of 02/24/16
- CPTC conference registration materials
- ZBA decision: 275 Marshall / Barry & Nejaime-Barry
- Construction Cost Estimates for February 2016

**Distributed at Meeting**

- Letter from E. Pare of Brown Rudnick dated 02/29/16 re: 421 Elm Street