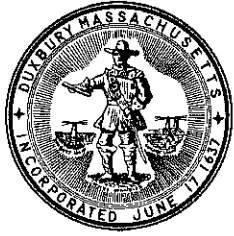


Approved 12/14/2016



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2017 JAN 20 AM 11:22
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Minutes 11/09/16

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

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

Absent: John Bear.

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

Mr. Casagrande called the meeting to order at 7:02 PM. Mr. Glennon was delayed due to commuter traffic.

OPEN FORUM

No items were brought forward under Open Forum.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: TEAKETTLE LANE EXTENSION / BITTERS

Mr. Casagrande opened the continued public hearing at 7:05 PM.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Wadsworth provided a second, to waive the reading of the correspondence list.

VOTE: The motion carried unanimously, 5-0.

The correspondence list for the public record:

- PB minutes of 10/12/16
- Phone message and note from abutter T. Kozmiski dated 10/19/16 re: abutter notification issue
- Email from V. Massard to K. Cross dated 10/19/16 re: Sidewalk & Bikepath input on proposed plan
- Affidavit of Service for Mullin Rule signed by C. Ladd Fiorini, stamped with Town Clerk on 10/27/16
- Mutual extension form stamped with Town Clerk on 10/27/16
- Affidavit of Service for Mullin Rule signed by J. Bear, stamped with Town Clerk on 10/31/16
- Letter from Division of Fisheries & Wildlife dated 10/14/16 and submitted to Planning Office on 11/04/16 re: Natural Heritage and Endangered Species Program determination: no impact
- Emails between V. Massard and Atty. R.W. Galvin dated 11/04/16 re: abutter notification issue and plan revisions
- Email from V. Massard to P. Brennan dated 11/04/16 re: consulting engineer not needed at PB meeting on 11/09/16
- Email from V. Massard to B. Glennon et al. dated 11/04/16 re: update on application
- Letter from M. & T. Kozmiski dated 10/31/16 and received in the Planning Office on 11/07/16 re: concerns with proposed application
- Emails between S. Dunn and V. Massard dated 11/07/16 re: Assessor's response on abutter notification issue
- Emails between K. Cross and V. Massard dated 11/08/16 re: Sidewalk & Bikepath comments
- Letter from R.W. Galvin dated 11/09/16 re: Request for withdrawal without prejudice
- Emails between B. Glennon, V. Massard and S. Casagrande dated 11/09/16 re: PB meeting procedure.

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Ms. Massard reported that she had met with the applicant's representative, Atty. Robert W. Galvin, and there are still issues with the design of the plans. Atty. Galvin has submitted a letter requesting withdrawal without prejudice. In addition there was an issue with the certified abutters list from the Assessor's Office which has been corrected. A new application is expected in the future with a new public hearing.

Ms. Ladd Fiorini asked about a reference to reduction of escrow account fees in the withdrawal letter, and Ms. Massard stated that there was not adequate time to address the escrow account because the letter was submitted today.

Mr. Bear noted that a good amount of design work has happened over the years, and asked why not choose a future date and continue the public hearing process. Ms. Massard replied that the applicant has chosen to withdraw and start a new public hearing process in the future.

Mr. Casagrande invited public comment.

Ms. Therese Kozmiski of 27 Teakettle Lane stated that the first she heard of this public hearing was by reading a notice in the *Duxbury Clipper*. She stated that it appears that discussion has been ongoing since 2015 and she was never notified.

Ms. Kozmiski stated some of her issues:

- Overflow from retention basin is running onto her property
- Concern that applicant has requested a waiver of the buffer zone around the retention basin
- The Town of Duxbury has a right to land adjacent to this development as back-up for the main water supply to the town.
- Public access to trails adjacent to the property may be affected, including Fire Department training.

Additionally, Ms. Kozmiski complained that construction on Modoc Street adjacent to the proposed development has created issues. A large number of trees have been cut down with no notice to her. A new dwelling has been constructed on land that has been elevated so that runoff now flows downhill toward her property. Ms. Massard noted that the building permit on Modoc Street did not require abutter notification.

Ms. Kozmiski requested to be involved in any future plans. She noted that the neighborhood is already established and the proposed development would be a disruption. She noted that her property was mis-identified on the proposed subdivision plans.

Mr. Wadsworth confirmed that the Water Department purchased rights to some land from the Conservation Commission a number of years ago for a potential future well site. He noted that there would be a 400-foot circle around the well site that will be protected, and the Water Department will need to obtain an easement to access the well site.

Ms. Massard stated that a software issue has been resolved with the Assessing Department so that all abutters will now be notified. Because the applicant has requested withdrawal, there will be no re-advertising. The applicant for this proposed subdivision has engaged a new engineer and is expected to return with a new subdivision application in the future.

MOTION: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to close the public hearing for the Teakettle Lane Extension Definitive Subdivision / Bitters.

VOTE: The motion carried unanimously, 5-0.

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Therefore the public hearing closed at 7:21 PM.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Wadsworth provided a second, to accept withdrawal of the Definitive Subdivision application for Teakettle Lane Extension Definitive Subdivision / Bitters without prejudice.

VOTE: The motion carried unanimously, 5-0.

Mr. Casagrande directed staff to notify Town Clerk of the Planning Board's decision.

PLANNING DIRECTOR REPORT

Planning Director Workload: Ms. Massard stated that she has the Planning Board's priority list established last spring in addition to zoning business, the Comprehensive Plan, and her regular workload. She stated that she is looking to the Planning Board for direction on prioritizing tasks. She has spoken with Mr. René Read, Town Manager, and he will defer to the Planning Board's direction. Mr. Casagrande requested that Ms. Massard submit a list of things to do for discussion at the next Planning Board meeting. He stated that he and Mr. Glennon have met with Mr. Read regarding this topic already and it is important for the Planning Board to be aware. Mr. Uitti offered that the Planning Board members could take on "homework assignments." Ms. Ladd Fiorini reported that she cannot attend the next Planning Board meeting but she will review the list.

Mr. Glennon arrived at the meeting at 7:26 PM.

One Big Home: Ms. Massard announced that this movie will be screened at the high school on Sunday, November 13, 2016 at 4:00 PM. The subject is "mansionization" on Martha's Vineyard. Ms. Massard noted that historic preservation is important in Martha's Vineyard as it is in Duxbury. She reported that next week the Historic Commission may speak during the Planning Board's open forum on the topic.

South Shore Climate Change and Sea Level Rise Symposium: Ms. Massard announced that this one-day symposium, sponsored by the Metropolitan Area Planning Council and others, will take place on Thursday, December 1, 2016. Topics will focus on sea level rise adaptation and other resiliency tools.

Marijuana Regulation: Mr. Bear asked if there has been any discussion on professional planners' exchanges on the ramifications of legalizing marijuana. Ms. Massard replied that there is some talk of moratoriums and other towns are looking into regulations using language from other states. She stated that others are waiting for the state to issue regulations through the Health Department. Mr. Bear asked if the Town of Duxbury should consider a moratorium and Ms. Massard responded that at this point there may not enough information to put together zoning language in time for Annual Town Meeting 2017. She offered to pass along any moratorium language that she sees from other towns.

OTHER BUSINESS

Meeting Minutes:

MOTION: Mr. Wadsworth made a motion, and Mr. Casagrande provided a second, to approve the Planning Board minutes of October 26, 2016 as amended.

VOTE: The motion carried unanimously, 6-0.

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Engineering Invoice:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Wadsworth provided a second, to approve the payment of Amory Engineers invoice #14576 dated October 17, 2016 in the amount of \$1,957.50 for services related to the Teakettle Lane Extension Definitive Subdivision.

VOTE: The motion carried unanimously, 6-0.

Mr. Glennon confirmed with Ms. Massard that the consulting engineer's rate of \$135 is in line with the marketplace.

Annual Town Meeting: Ms. Massard provided a verbal list of potential articles for Annual Town Meeting 2017, estimating that there may be six or seven zoning articles.

ADJOURNMENT

The Planning Board meeting adjourned at 7:48 PM. The next Planning Board meeting will take place on Wednesday, November 16, 2016 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

MATERIALS REVIEWED

- Planning Board agenda for 11/09/16
- Letter from Massachusetts Division of Fisheries & Wildlife dated 10/14/16 re: No rare species
- Draft PB minutes of 10/16/16
- Amory Engineers invoice #14576 dated 10/17/16 (\$1,957.50) re: Teakettle Lane
- Email from S. McCormick (Design Review Board) to PB dated 11/03/16 re: "One Big Home"
- "South Shore Climate Change and Sea Level Rise Symposium" agenda 12/01/16
- Town of Duxbury Construction Cost Estimates for October 2016
- Letter from Atty. Robert W. Galvin dated 11/09/16 re: withdrawal of Teakettle Lane Definitive Subdivision application (*distributed at meeting*)

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