

**Planning Board Meeting
August 9, 2023
Minutes**

These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting. - Open Meeting Law, G.L. c. 30A§22.

Board Members: Steven Bolotin, Birgitta Kuehn (via Zoom), David Peck and Carl Donaldson
Planning Board Alternate: None
Staff Members: Robin Carver and Lee Hartmann
Recording Secretary: Eileen Hawthorne

David Peck stated that although he was not present at the July 12th meeting, he was in support of the request for the funding of the master plan being presented to Town Meeting.

Administrative Notes:

Minutes*:

June 28, 2023, Revised

Carl Donaldson moved for the Board to approve the minutes of June 28, 2023 with revision requested by Birgitta Kuehn; David Peck, second; the **vote** was unanimous (4-0).

July 26, 2023

David Peck moved for the Board to approve the minutes of July 26, 2023 as presented; Carl Donaldson, second; the **vote** was (3-0-1) with Birgitta Kuehn in abstention as she was not present at the meeting.

Covenants, Plans and Releases*:

B543 – ADM/Redbrook Use Area 12 Modification – Release of Lots

Carl Donaldson moved for the Board to release the lots for B543 – ADM/Redbrook Use Area 12 Modification; David Peck, second; the **vote** was (3-0-1) with Birgitta Kuehn in abstention as she was not present during the discussions of the proposed modification.

B437 – Pinehills LLC, Birdsong – Plan Endorsement

David Peck moved for the Board to endorse the plans for B437 – Pinehills LLC; Carl Donaldson, second; the **vote** was unanimous (4-0).

Form A Plans*: None

Committee Appointments

Land Use and Acquisition Committee

The Board received the following documentation:

Committee Worksheet

Letters of Interest

Virginia Davis and Joan Langsam MacDonald explained their interest in serving on the Land Use and Acquisition Committee (LUAC).

David Peck moved for the Board to appoint Joan Langsam MacDonald to the LUAC vacancy with a term expiration of June 30, 2025 and Virginia Davis to the vacancy with a term expiration of June 30, 2026; Birgitta Kuehn, second; the **vote** was unanimous (4-0).

Presentation:

Precinct 3 – Dale Webber

25 foot height limit in the Downtown Harbor and Waterfront Districts

The Board received the following documentation for this review:

E-mail from Dale Webber dated July 26, 2023

Memo to Select Board and Planning Board dated August 2, 2023

Locus Maps

Dale Webber and Bill Keohan, Precinct 3 representatives presented request for the Board's support of a proposed article to amend the Zoning Bylaw by creating an overlay district to limit the building height in a portion of the Downtown Harbor and Waterfront Districts to 25 ft. instead of the allowed 35 ft. The overlay district would apply to any new building on the oceanside of Water Street from Caswell Lane to Union Street including from Stephen's Field to Nelson Park. A portion of the area is also in the Historic District and the integrity of this historic area should be preserved. A recent petition to construct a 45 ft. high structure at the corner of Union and Water Street was recently defeated by the Town. This was a complex project that the Town and the developer worked together to try to preserve a historic portion of the building. Issues that could affect new construction along the ocean front properties include sea level rise, climate change and increased sprawl. They asked for the Board's assistance in moving the initiative through the appropriate departments for presentation at Fall Town Meeting.

Lee Hartmann noted that in order to bring this article to Fall Town Meeting, staff would need to schedule a public hearing, send public notification and draft language for a proposed bylaw amendment on a very tight schedule. Mr. Hartmann also noted that the property owner that would be most affected by this amendment would be the Town of Plymouth and that most of this area is in a flood zone. For properties in a flood zone that are being built/rebuilt in the future due to either sea level rise or storm damage, there may be a requirement to elevate the structures in this area. This would limit the height of a single family home by 15 ft. from the allowed height.

David Peck asked if the group has considered the area's floodplain elevation which could limit the height of the structure to 18 ft. if a 25 ft. building height was adopted.

Mr. Webber responded that the group had not considered the flood elevation issue.

Birgitta Kuehn commented that the foundry was a complex project because the Town asked the developer to preserve the historic portion of the existing building. They were denied a special permit to exceed the 35 ft. height limit. Ms. Kuehn was concerned with the flood zone issues and should be further discussed in order to draft language that would work for the Town as a whole.

Carl Donaldson asked if there were any future studies or consultants that should look at this area before potentially bringing it before a future Town Meeting.

Mr. Hartmann replied that previously there were discussions about requesting funding from Town Meeting to hire a consultant to create design standards for the downtown/harbor area. He noted that the Historic District Commission controls a lot of what happens in this area. This initiative could be included as part of the Master Plan update process for a massing study and or design standards for the downtown/harbor area.

Steven Bolotin was concerned that creating a 25 ft. building height in the Historic District would not preserve the historic character of the area and could result in a lot of structures with flat roofs. Mr. Bolotin was also concerned with the flood plain issues and whether sites would be rendered unbuildable if a significant flooding or storm should impact the area. The marina project was a special permit request to increase the height to 45 ft. to accommodate the preservation of the historic portion of the foundry which was not approved. The special permit process protects the Town. He felt that the proposal was precipitous, and more research and time were needed. Mr. Bolotin noted that the Select Board took no action after the proposal was presented at their meeting on August 8, 2023.

Al DiNardo spoke in support of the proposed article.

The Board members all agreed that further research and time was needed to study the proposal, draft language to present at Town Meeting and hold required public hearings to amend the bylaw. Therefore, the Board took no action.

ZBA 4101 – Latham Centers Inc 55 Sandwich Road, Map 82, Lots 8-1 and 10

Convert use from a single family dwelling to a two-family dwelling (8/21)

The Board received the following documentation for this review:

Staff Report

Engineering Dept. comments dated July 31, 2023

Fire Dept. comments dated July 31, 2023

Letter from Angley & Angley dated July 17, 2023

Floor Plan

Locus Map and Site Photograph

Site Plan dated May 1, 2023

Atty. Timothy Angley, Angley and Angley presented the request to convert a single family dwelling to a two family dwelling by adding a two bedroom unit with separate access to the back yard in the basement of an existing group home. There would also be stairs for access to the first floor of the single family home. All renovations would be interior. The single family dwelling currently has six bedrooms, one of which is being utilized as an office. The existing septic system was designed to handle seven bedrooms. The two bedroom unit would allow for more independent living for two individuals. The site has adequate parking including a two-car garage and four to five parking spaces.

Robin Carver noted that the 58,582 sq. ft. lot is in the R40 zone, and a special permit is required to allow a two-family. All other R40 dimensional standards are met and sufficient.

Birgitta Kuehn asked for an explanation of the fire plan as there was only one exterior exit and if there would be a deed restriction on the number of bedrooms. Ms. Kuehn was concerned that if the property was sold, the bedroom utilized as an office could revert to use as a bedroom which would then increase the number of bedrooms to eight.

Brian Benevides, Director of Facilities responded that in addition to the rear exit door, each bedroom has three windows that can be utilized as an alternative emergency exit and there is a set of stairs that access the first floor. Mr. Benevides noted that the septic system limits the number of bedrooms to seven.

David Peck moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following conditions:

Prior to occupancy, the Petitioner shall provide compliance with Title V septic system requirements.

Prior to issuance of a Zoning Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.

Carl Donaldson, second; the **vote** was unanimous (4-0).

Informal Review:

15 Coles Lane Subdivision

The Board received the following documentation for this review:

Letter from South Shore Survey Consultants Inc. dated July 24, 2023

Site Plans dated July 20, 2023

Mark Casey presented a plan that would retain the existing single family home and allow a two family dwelling with open space. The Board previously reviewed a plan for this location under B638 – 15 Coles Landing VOSD which was withdrawn without prejudice. The current plan shows the driveway has been relocated out of the easement area, the number of units has been decreased and the impervious area has been decreased.

Robin Carver noted that during the previous reviews the Board was concerned that the project did not include any meaningful open space and the unit count of four residential units was too dense for this site.

Mr. Bolotin was concerned that future residents might clear the open space that is currently a wooded area.

Lee Hartmann suggested that the open space be on a separate lot that would provide extra protection.

The Board was supportive of the changes to the plan and looks forward to reviewing under a formal submission.

Other Business:

“Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.”

David Peck announced that there has been a considerable momentum for the Accessory Dwelling Unit concept. The other Board members were supportive of bringing the initiative to Spring Town Meeting.

Steven Bolotin announced that there will be two informational sessions regarding the MBTA Communities Law as follows:

August 21, 2023 at 6:30 p.m. at Town Hall

September 11, 2023 at 6:30 p.m. at Plymouth South High School

David Peck moved for the Board to adjourn at 8:28 p.m.; Carl Donaldson, second; the **vote** was unanimous (4-0).

***On file with the Office of Planning and Development in project case files.**

Respectfully Submitted,

Approved: August 23, 2023

Eileen Hawthorne
Administrative Assistant