



Town of Duxbury Massachusetts Planning Board

TOWN CLERK

2023 APR -6 AM 8:11

DUXBURY, MASS.

Minutes 1/23/2023

The Planning Board met on January 23, 2023 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Present: Scott Casagrande, Chair; Brian Glennon, Vice-Chair; Kristin Rappe; and David Uitti.

Absent: Jennifer Turcotte; Keith MacDonald, Clerk; and George Wadsworth.

Staff: Christopher Ryan, Planning Director; and Emily Hadley, Principal Assistant.

Mr. Casagrande called the meeting to order at 6:03PM.

*Some of the agenda items were taken out of order. The minutes reflect the items in the order they were discussed.

Open Forum

Mr. Glennon told the Board his nomination papers for a seat on the Selectboard were filed last week, and no one has taken out papers to fill his Planning Board seat. He also reminded the Board that a Planning Board member will need to serve on the Open Space Committee starting in April, a committee that he has been active on for several years.

Mr. Glennon said there have been conversations recently among national traffic safety groups regarding electric vehicles are much heavier than non-electric. He said the Town should in the future, consider the impacts of the additional weight on roads and highways, and the greater fire risk associated with electric vehicles.

Mr. Ryan told the Board the Town has received a proposal via Citizen's Petition for a zoning bylaw amendment regarding bed and breakfasts. There will be a Special Town Meeting in late February for the article. The Planning Board will need to hold a public hearing on the petition, since it is a zoning bylaw amendment, and that is scheduled for February 13.

ADMINISTRATIVE ITEMS

Cooper Hill Road As-Built Plan

Staff told the Board that the applicant will be submitted a revised as-built plan to the Board, so they will continue the item to the next agenda.

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Motion: Mr. Glennon made a motion to approve the minutes of January 9, 2023 as written. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Zoning Recodification

Mr. Ryan said he is still waiting on comments from Town Counsel on the issues identified with the current zoning recodification working document. He suggested scheduling a working session with himself, the Chair, and the Vice-Chair to resolve some of the issues.

Mr. Casagrande reminded the Board and public that zoning recodification will not on the Annual Town Meeting warrant this year, but they will continue moving forward with the process for a future Town Meeting.

6:10PM Public Hearing: Annual Town Meeting 2023 – Zoning Map Amendment Article

Motion: Mr. Glennon made a motion to open the public hearing at 6:11PM. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Motion: Mr. Glennon made a motion to waive the reading of the public hearing notice. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Mr. Ryan said this zoning map amendment includes all the base districts and overlay districts in one set of Zoning Maps. Mr. Ryan read aloud the “Deliverable 2: Spatial Data Record” section of MAPC’s Memo dated October 5, 2022 RE: Deliverables, Updated Zoning Data, which details how each map was created.

Ms. Hadley explained the process for creating the Wetlands Protection (WP) Overlay District, which was created in-house. She explained that the district from the 1975 plats was redrawn in GIS, using improved spatial data, and including changes to the district that were made at previous Town Meetings.

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Mr. Casagrande said the article also includes changes in the Zoning Bylaw to reference “the Zoning Map” rather than referencing individual maps and dates.

No one from the public brought anything forward during the public hearing.

Motion: Mr. Glennon made a motion to close the public hearing at 6:24PM. Mr. Uitti provided a second.

Vote: 4-0, unanimous.

Motion: Ms. Rappe made a motion to recommend favorably to Annual Town Meeting the article to amend the zoning maps and references throughout the bylaw. Mr. Uitti provided a second.

Vote: 4-0, unanimous.

Evergreen Terrace Street Acceptance Plan

Mr. Ryan told the Board that DPW and the Fire Department provided a set of comments, which he emailed to the Board this morning. Mr. Ryan said the DPW Director explained that the narrowness of the roadway would cause difficulty for a large plow to turn around, and there is a lack of somewhere to push snow to at the end of the street. The Fire Department said the turnaround uses portions of both driveways, and said the road does not meet the turnaround requirements in the National Fire Protection standards. He also noted that they could access both homes in case of emergency.

Mr. Ryan said he cannot confirm that the road was built to the Town’s standards, as an engineer would need to confirm, but he can confirm that the road was built to the specified width, as stated in Pat Brennan’s letter.

Mr. Uitti noted there is a condition in the decision for the subdivision that the developer needs to have an engineer to submit a verification that drainage is approved.

Tim Vanderveen, attorney Gamsa Development, said the road acceptance procedure has three main steps: the Selectboard voting its intention to layout the road as a public way & refers to the Planning Board for their report, the Selectboard & Annual Town Meeting votes, and the title transfer. Mr. Vanderveen said the scope of review of the Planning Board should be narrow, reviewing whether the project was designed according to State law and Subdivision Rules & Regulations, that the project was built to approved plans, and that the developer followed the Subdivision Rules & Regulations process in terms of the as-built plan and street acceptance procedures. Mr. Vanderveen said the developers are in compliance with all of these regulations, except for the engineer certification of drainage, which can be easily provided.

Mr. Vanderveen said all the relevant Town departments signed off on the project. He said it is considered a local road under Subdivision Rules & Regulations, since there are 3 or fewer houses

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being served by the road. He said 14 feet is the minimum road width requirement for local roads, but the Fire Department requested they increase the width to 18 feet, which they complied with.

Gerard Savard, Gamsa Development, said the as-built plan was submitted and approved the Planning Board, and the was returned to close out the construction process for the road.

Kerry Dowling, 7 Evergreen Terrace, said she has been involved in the process since September 2020. She said because the road is in the Aquifer Protection Overlay District, they could not add more impervious asphalt to the area. She said they have had emergency vehicles come down the road and one of the larger fire trucks was able to turn around, and Island Creek Road ends in a similar turn-around.

Tatyana Semyrog, 5 Evergreen Terrace, said she has also been involved in the process since the beginning. She said they hired a plow to come during the last snowstorm and they did not have any issues. She said she was expecting the road to become public when she purchased the home. Mr. Glennon said no promises should have been made to the homeowners about the road becoming public. He said the Planning Board was not endorsing the road as a public way when they approved the subdivision plan.

Mr. Casagrande asked if the turn-around is on the homeowners' properties. Mr. Vanderveen said about 30-40 feet of each of the driveways is in the Right-of-Way, and the cul-de-sac Right of Way acts as an effective hammerhead.

Mr. Vanderveen said the Homeowner's Association said that it was the developer's intention, but not obligation to petition for the roadway to become a public way. He said the developer followed the proper process and procedure for the subdivision.

Mr. Casagrande said they have the right to petition for public way approval, and the Planning Board is just a referral Board in this process.

Mr. Ryan said he cannot personally make an assessment that the road meets every one of the Subdivision Rules and Regulations and applicable design standards since he is not an engineer, but Pat Brennan, peer-review engineer, reviewed the project and signed off on the work that was done according to the plans.

Mr. Savard said the road was designed and redesigned with input from the Planning Board and Mr. Brennan, and Mr. Brennan inspected the site several times to confirms that the work was done as designed.

Mr. Uitti said he would be comfortable stating that all the evidence points to that the roadway was constructed based on the Subdivision Rules and Regulations and has met the conditions in the subdivision decision, but the developers did not submit a certification from the developer's engineer that the drainage was constructed as planned. Mr. Savard said this certification will be provided to the Board.

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Mr. Savard said they expanded the road slightly based on the Fire Department's wishes. He said it is the best design for the site, and is a very high-functioning roadway. Mr. Vanderveen said he appreciated Mr. Uitti's comments. He said they are just requesting that the Planning Board acknowledge that the subdivision was built to the Subdivision Rules and Regulations and followed the appropriate procedures, and the finances are a separate issue that will be discussed with the Selectboard, Finance Committee, and Town Meeting.

Mr. Glennon said he has no problem deferring, but he wants it to be known that the Planning Board is not taking a position on whether a road will be public or private when a subdivision is approved.

Motion: Mr. Uitti made a motion to defer judgement to the Selectboard, noting that they see no evidence that the roadway has not met the Subdivision Rules and Regulations, with the exception of Condition #8 on the Subdivision Decision, requiring certification from the Applicant's engineer that the drainage system has been constructed as to plan, which will be provided, and noting that approval from the Planning board does not constitute an endorsement of the way as public. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

The Board discussed the need to make sure the peer-review consultant inspects sites at every step of the roadway process (every course). The Board also discussed asking new developers whether they intend to petition for public way acceptance during the approval process.

Discussion: MBTA Communities Action Plan

The Board held a discussion regarding areas that are possibilities for MBTA Communities zoning, from a map and report provided from staff. Several areas were identified as potential good fits, while a few other areas were removed from the list due to issues such as location of wetlands, access issues, etc. Mr. Ryan said he will draft the Action Plan, and disburse it to the Board for their review before submitting. He stated that the Action Plan does not have to be implemented, but they need to submit the plan in order to remain eligible for grant funds from the State.

Planning Director's Report

One Stop for Growth Grant Expression of Interest Period

Mr. Ryan there are several different area plans that this grant could be used for, such as Hall's Corner. Ms. Rappe suggested Mr. Ryan talk to the Economic Advisory Committee (EAC) about the potential areas. Mr. Casagrande will get in touch with the group to schedule a meeting.

Seawall

The Board and Mr. Ryan discussed his role in the seawall process, and this will be a future discussion, based on whether or not the seawall article is approved at Annual Town Meeting. Mr. Ryan said CZM wants the beach nourishment to occur regardless of whether the seawall article is approved, so he will continue working on that.

Comprehensive Plan Implementation

Mr. Ryan said the Planning Board should start planning for another joint-meeting with the Selectboard. Mr. Ryan said he has gotten a lot of good feedback from several groups, and they could use the joint-meeting with the Selectboard to plan a follow-up meeting with the task "owners". Mr. Casagrande will send a request to the Selectboard Chair requesting a joint-meeting to follow up on the Comprehensive Plan Implementation.

ADJOURNMENT

Motion: Mr. Uitti made a motion to adjourn at 7:58PM. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Materials reviewed at the meeting:

- January 23, 2023 Agenda
- Public Hearing Notice: Annual Town Meeting 2023 Zoning Article – Zoning Maps Amendment, date stamped December 29, 2022
- Draft January 9, 2023
- Annual Town Meeting 2023 Zoning Maps Amendment Article Language; date-stamped December 29, 2022
- Maps entitled "Town of Duxbury Zoning Districts (Zoning Map); prepared by Metropolitan Area Planning Council, 60 Temple Place Boston, MA 02111; dated November 2022
- Metropolitan Area Planning Council Memo dated October 5, 2022 RE: Deliverables, Updated Zoning Data; date-stamped December 29, 2022
- Planning Department Memo RE: Wetlands Protection Overlay District Map Town Meeting Changes 1976 – 2011; date-stamped December 29, 2022
- Selectboard Memo to Planning Board dated January 9, 2023 RE: Layout of Evergreen Terrace as a Town Way
- Vanderveen Law Letter to Town Manager/Town Clerk dated December 2, 2022 RE: Citizen's Petition – Acceptance of Evergreen Terrace as a Public Way & Citizen's Petition date-stamped December 2, 2022
- Evergreen Terrace Street Acceptance Plan Checklist
- Plan entitled "Street Acceptance Plan for Evergreen Terrace Duxbury, Massachusetts," applicant/owner Gamsa Development, LCC; prepared by McKenzie Engineering Group,

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150 Longwater Drive Suite 101 Norwell, MA 02061; dated December 8, 2022; scale 1" = 40'; one sheet

- Certificate of Notification Evergreen Terrace Definitive Subdivision Duxbury, Massachusetts dated August 3, 2020, date-stamped August 3, 2020
- Correction of Scrivener's Error to Certificate of Notification Evergreen Terrace Definitive Subdivision Duxbury, Massachusetts dated August 5, 2020, date-stamped August 17, 2020
- Plan entitled "Definitive Subdivision known as Evergreen Terrace Roadway As-Built Plan Duxbury, Massachusetts," applicant/owner Gamsa Development, LCC; prepared by McKenzie Engineering Group, 150 Longwater Drive Suite 101 Norwell, MA 02061; dated November 1, 2022; one sheet
- Spreadsheet entitled "MBTA Communities Opportunities CR"
- Draft Map entitled "Potential Areas for MBTA Communities Zoning"
- Director of Planning – Duxbury, MA Board Report dated January 23, 2023
- MBTA Communities Opportunities Report
- November & December 2022 Building Permit Listing Reports
- Notices from Abutting Towns November 21, 2022 – January 19, 2023

