



Town of Duxbury Massachusetts Planning Board

TOWN CLERK

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DUXBURY, MASS.

Minutes 12/5/2022

The Planning Board met on December 5, 2022 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; Keith MacDonald, Clerk; and Kristin Rappe.

Absent: Jennifer Turcotte; David Uitti; and George Wadsworth.

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

Mr. Casagrande called the meeting to order at 6:04 PM.

Open Forum

Mr. Glennon as the delegate to the MBTA Advisory Committee told the Board that the group met on December and discussed new bus routes on the inner core, which does not pertain to Town.

Mr. Glennon announced that he will not be seeking re-election to the Planning Board when he term expires in March, and he will be running for election to the Selectboard.

*The Board reviewed the Planning Director report before the other items because Mr. Ryan had to leave the meeting early to attend the Selectboard's meeting to discuss the seawall.

Planning Director Report

Mr. Ryan summarized each section of his Board Report dated December 5, 2022.

ZBA Case #2022-27: 11 Puritan Way

Mr. Ryan said this application is standard, but the applicant did not provide a full site plan with dimensions showing the existing and new footprints. He suggested the ZBA may request a more robust site plan if they find necessary. He said it overall is a supportable application, but he defers to the ZBA whether or not they need additional information.

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Ms. Rappe told Mr. Ryan she appreciates the work he puts into his report every week, and asked whether the report is shared with the ZBA. Mr. Ryan said yes, they put the section of the report on the ZBA cases in their referral memo when the Board votes to share it.

Mr. Glennon said in his view, since this case is a voluntary raze and rebuild, he thinks it is important for the applicants to try to conform with the regulations of the zoning district as much as possible. He said if the Town is to apply zoning uniformly, non-conformities should be weeded out over time.

21 & 31 Pine Street ANR Plan

Mr. Ryan said the plan is to swap equal amounts of land area between the two lots, so the accessory buildings fall in the lots of which they belong. They are merging Parcel A with Parcel #019-010-001 and merging Parcel B with Parcel #019-010-002. He said this exchange of land does not create any non-conformities. He said both lots have adequate access and frontage along Pine Street.

Dogwood Drive

Mr. Ryan said Pat Brennan, Amory Engineers, has inspected the site several times. He said the infrastructure has been turned over to the Homeowner's Association, and he does not see any issues that would prevent the release of Lot A.

Evergreen Terrace

Mr. Ryan said Pat Brennan has reviewed the as-built plan and has reported that the plan represents the on-ground conditions.

Millbrook Station

Mr. Ryan told the Board that the applicant was not able to attend the meeting. He said there are 3 undersized painted parking spaces shown on the as-built plan that are not part of the approved site plan. There are 9 standard sized parking spots where 10 were approved, and the 3 undersized spots are intended to make up for the 1 spot that is missing.

Mr. Ryan said there are no compact space rules in the Subdivision Rules and Regulations in Town. He suggested that the applicant turning the undersized spaces into one parallel space. Mr. Glennon agreed that the single parallel is more reasonable, and that gives drivers site distance. Mr. Casagrande agreed.

Zoning Bylaw Recodification

Mr. Ryan said he was able to work from home and review every section of the bylaw that was moved or deleted from the original document. He put together a report summarizing issues that he has questions about that he sent to the Chair and Vice-Chair. He asked them to see if they can

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answer any of the listed questions, and the other items can be forwarded to Town Counsel or the former Planning Director to provide justification or explanation.

Mr. Ryan said he felt that since the Board and staff needs to speak to the public about what has been done, they need to have answers for why everything was done and the answers are not in the current document for many items. Mr. Casagrande agreed with the process Mr. Ryan laid out.

Mr. Ryan said the recodification may not be ready to bring to the March Annual Town Meeting. Mr. Casagrande said a lot of things have taken away energy from the Board in the time it was meant to get the recodification over the last few years, including the pandemic, seawall issues, and Planning Director turn-over.

Mr. Ryan said there are many different kinds of special permits in Town, and their processes are not clear in the current bylaw. Mr. Casagrande suggested they send the report back to Town Counsel and the former Planning Director for their input.

Mr. Ryan told the Board he appreciates their patience in him going through this process. He said he feels responsibility to provide a bylaw that is defensible and easier for users.

Comprehensive Plan Implementation

Mr. Ryan said the introductory letter to groups should be ready to be sent out in the next few days. They are planning on sending the letter out to the Chairs of the different Boards and Committees for them to distribute throughout their groups. Mr. Glennon said if he is elected to the Selectboard, the Planning Board will have another ally on the Selectboard in moving forward with the Comprehensive Plan implementation.

Seawall

Mr. Ryan said he is presenting with the Finance Director to the Selectboard about the seawall this evening. He said they are presenting four tiers of betterment scenarios to pay for the seawall repairs. Mr. Glennon told the Board he got the opportunity to hear Mr. Ryan present at the last meeting about the seawall, and he was amazed at Mr. Ryan's depth of preparation and information.

Complete Streets

Mr. Ryan said there is a Sidewalk and Bike Path Committee meeting tomorrow evening and they are deciding whether they would like to be included in the reserve fund transfer request Planning is preparing, in order to apply for funding to revise the Complete Streets Prioritization Plan to include sidewalks on sections of Washington Street that were not included in the original plan. He said the amount requested is \$10,500. The Planning Board agreed that they are supportive of the request moving forward if the Sidewalk Committee decides they do not want to be involved. Mr. Ryan said the Town is waiting for the RFQ to be reviewed by Town Counsel.

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Traffic and Transportation

Mr. Ryan said he has applied to OCPC for technical assistance on two troublesome intersections in Town, and they did traffic counts this past week.

MBTA Communities

Mr. Ryan said the Town should hear from a technical assistance provider soon, and the final contract will take place on December 11th. OCPC suggested that Towns should do remedial background work to provide to the consultants. Mr. Ryan said the Town should have a few areas in mind where the district could work, and provide that information to the consultant. Mr. Casagrande said they should look into the land that the Affordable Housing Trust owns as part of the district.

DLTA

Mr. Ryan said they are now in the application cycle for DLTA funding. He asked Board members to brainstorm projects ideas for the next Planning Board meeting. Ms. Rappe suggested this be an item for discussion on the next agenda.

General Code

Mr. Ryan said there is no news on the General Code proposal.

Fee Schedule

The Planning Board will wait until the next cycle to update their fee schedule.

Resiliency Task Force

Mr. Ryan told the Board the Resiliency Task Force had its first interview for the at-large position, and they will be holding several more in the next week. There are three members on the Task Force currently. There are two open positions, but he has suggested creating a separate stakeholders group as well.

ADMINISTRATIVE ITEMS

ZBA Case #2022-27: 11 Puritan Way

Mr. Casagrande said there is a lot of detail missing from the site plan. Mr. Glennon reiterated his earlier comments, that since this is a voluntary raze and rebuild of a pre-existing, non-conforming dwelling, this is a great opportunity to inquire how the new construction could achieve complete or near-complete conformity

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Motion: Ms. Rappe made a motion to defer judgement to the Zoning Board of Appeals for the Special Permit application for 11 Puritan Way (ZBA Case #2022-27), and to include in their referral memo the section of Mr. Ryan's Board Report dated December 5, 2022 regarding the case, and to include comments from Mr. Glennon above. Mr. MacDonald provided a second.

Vote: 4-0, unanimous.

Hawthorn Hill

Adam Fine, developer of the subdivision, was in attendance. Mr. Fine said he has paid for the bond and now have adopted the Town's form of bond agreement. He said his bond company has seen the new agreement, but have not had time to agree to it before the meeting. He noted that the paving at the site is done, so the bond amount was reduced to \$204,000. Mr. Ryan noted that they need to add the subdivision deadline, July 21, 2023, to the agreement.

Mr. Casagrande said the lots they requested to be released can be released once the bond is cleared. Mr. Glennon noted that the subdivision name is misspelled on the bond, and Mr. Fine said he has asked the bond company to correct this.

Dogwood Drive

Mr. Casagrande said the Board has received reports from Pat Brennan regarding the well on the lot the developers want to release. Mr. Ryan said the infrastructure has been turned over to the Homeowner's Association.

Motion: Mr. MacDonald made a motion to release Lot A of Dogwood Drive from the restrictions as to sale and building specified in the Planning Board covenant. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Evergreen Terrace

Mr. Casagrande said Pat Brennan has sent over a report stating that the as-built reflects the conditions on the ground. Mr. Ryan told the Board that the Town has received a citizen's petition for acceptance of Evergreen Terrace as a public way. The Planning Board will need to hold a meeting for this and provide their report to the Selectboard in an upcoming meeting.

Motion: Ms. Rappe made a motion to accept the as-built plan for Evergreen Terrace titled "Definitive Subdivision Known As Evergreen Terrace Roadway As-Built Plan Duxbury, Massachusetts," dated November 1, 2022 and revised through November 28, 2022. Mr. MacDonald provided a second.

Vote: 4-0, unanimous.

* Mr. Ryan left the meeting to attend the Selectboard's meeting at 7:10PM.

Duxbury Animal Hospital

Dan Hebert, applicant, was in attendance. Mr. Casagrande said the developer had submitted photos of the parking space delineations/curb stops that were a condition of as-built approval from the Board's September 26th meeting. Mr. Hebert said these are a more permanent solution. Mr. Glennon said he appreciates Mr. Hebert working with the Board on this. Mr. Glennon said they had issued a conditional approval in September and the condition is now complete, so the Board can vote to formally close out the project. Mr. Ryan said the photos will become a part of the file.

Motion: Mr. Glennon made a motion to formally approve the as-built plan for Duxbury Animal Hospital titled "Duxbury Animal Hospital, 103 Depot Street Duxbury, MA 02332 As Built Site Plan," dated September 16, 2022, as the conditions that were part of conditional approval in September have been satisfied. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Millbrook Station

Mr. Casagrande said they will continue this item to the next agenda, and told staff to suggest to the applicant to consider converting the three undersized spaces into one parallel parking space, to make up for the one spot that is missing from the approved site plan for the project.

Invoices

Motion: Mr. Glennon made a motion to approve Amory Engineers invoices #16037A, #16037B, #16037C, and #16037D, and KP Law invoices # 139411 and #139410 (Planning charges) for payment. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

November 14, 2022 Minutes

Motion: Mr. Glennon made a motion to approve the minutes of November 14, 2022 as written. Mr. MacDonald provided a second.

Vote: 4-0, unanimous.

21 & 31 Pine Street ANR Plan

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Motion: Ms. Rappe made a motion to endorse the plan entitled "Plan entitled "Plan of Land in Duxbury, Mass," prepared for Adam Afzali (21 & 31 Pine Street) as Not Requiring Approval under Subdivision Control Law. Mr. Glennon provided a second.

Vote: 4-0, unanimous.

ADJOURNMENT

Motion: Mr. MacDonald made a motion to adjourn at 7:25PM. Ms. Rappe provided a second.

Vote: 4-0, unanimous.

Materials reviewed at the meeting:

- December 5, 2022 Agenda
- ZBA Case #2022-27: 11 Puritan Way
- Amory Engineers Revised Construction Cost Estimate for Performance Guarantee for Hawthorn Hill dated November 22, 2022
- Dogwood Drive Lot A Release Request
- Dogwood Drive Lot A Well Reports: Well Completion Report, Potable Letter, Certificate of Analysis
- Pat Brennan Email RE Dogwood Drive Lot A Well Report, dated December 1, 2022
- Amory Engineers Review Letter RE Dogwood Drive – Wells on Lots A, F & H dated January 4, 2022
- McKenzie Engineering Memo RE Final As-Built and Certification for a Definitive Subdivision known as Evergreen Terrace dated November 14, 2022 and site photos
- Plan entitled "Definitive Subdivision Known As Evergreen Terrace Roadway As-Built Plan Duxbury, Massachusetts," prepared for Gamsa Development, LLC 54 Sproat Street Middleborough, MA 02346; prepared by McKenzie Engineering Group 150 Longwater Drive Suite 101 Norwell, MA 02061; dated November 1, 2022 and revised through November 28, 2022; scale 1"=20'; one sheet.
- Amory Engineers Review Letters RE Evergreen Terrace – Roadway As-Built Plan, dated November 17, 2022 and November 30, 2022
- Dan Hebert Email RE Curb stops dated November 14, 2022
- Animal Hospital Curb Stop Images 1-5
- Planning Board Memo RE Duxbury Animal Hospital (103 Depot Street) ASPR As-Built Plan dated September 29, 2022
- Pat Brennan Email RE Animal Hosp. dated December 1, 2022
- Plan entitled "As-Built Millbrook Station Building, Septic, and Conservation As-Built Duxbury, Massachusetts," prepared for Millbrook Marketplace, LLC 34 Main S. Extension Suite 303 Plymouth, MA 02360; prepared by Duxbury Construction Co. P.O. Box 2514 Duxbury, MA 02331; dated August 19, 2021 and revised through November 28, 2022; scale 1"=20'; one sheet.
- Amory Engineers Review Letter RE Millbrook Station – As-Built Plan dated November 29, 2022

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- Pat Brennan emails RE Millbrook Station Revised As-Built dated November 29, 2022
- KP Law Invoices #139410 (Planning charges highlighted) and #139411 for Zoning Recodification
- Amory Engineers Invoices #16037A for Dogwood Drive, #16037C for Evergreen Terrace, #16037B for Hawthorn Hill, #16037D for Millbrook Station
- Draft Minutes November 14, 2022
- 21 & 31 Pine Street ANR Application
- Plan entitled "Plan of Land in Duxbury, Mass," prepared for Adam Afzali; prepared by Webby Engineering Associates, Inc. 180 County Road Plympton, MA; dated June 6, 2022; scale 1"=30'; one sheet.
- Director of Planning Board Report dated December 5, 2022
- Millbrook Station Waiver Request