



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2023 APR 27 AM 8:38
DUXBURY, MASS.

Minutes 3/27/2023

The Planning Board met on March 27, 2023 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Present: Scott Casagrande, Chair; Keith MacDonald, Clerk; Wayne Dennison; Kristin Rappe; Jennifer Turcotte; and David Utti.

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

Mr. Casagrande called the meeting to order at 6:02PM.

Open Forum

Mr. Casagrande introduced Wayne Dennison as a new member of the Planning Board, who won the write-in vote at Annual Town Election.

Ms. Turcotte told the Board that the Diversity, Equity and Inclusion subcommittee met and reviewed the RFP to hire a consultant, and will finalize the document at the next meeting.

Ms. Rappe told the Board that as the Planning Board liaison to the Coastal Resiliency Task Force, it has become apparent that the Town could use another Planner in Town to focus on environmental tasks, such as floodplain administration, PFAS, beach nourishment/seawall replacement projects, and other coastal issues. She asked the Board to consider making a recommendation to the Selectboard related to this issue.

Administrative Items

None.

Discussion: Vacant Planning Board Seat

Mr. Casagrande said there is a vacant seat on the Board due to the resignation of George Wadsworth. The Board discussed advertising the open position in the Clipper and scheduling a joint-meeting with the Selectboard to appoint the position after applications are received.

ANR Plan: 89 & 103 Evergreen Street

Timothy Bennett, Grady Consulting LLC, was in attendance to discuss the plan. He explained that the plan is for an equal area land swap to accommodate a setback for a pool house that was built too close to the lot line. There are no changes to the frontage for either lot, or the fences on the site.

Motion: Ms. Turcotte moved to endorse the plan entitled Plan entitled “Plan of Land Evergreen Street Duxbury, Massachusetts,” prepared for John Sutcliffe; prepared by Grady Consulting, L.L.C., 71 Evergreen Street Suite 1 Kingston, MA 02364; dated February 24, 2023; stamped by Timothy R. Bennett, P.L.S.; scale 1” = 30’; one sheet, as Not Requiring Approval under the Subdivision Control Law. Seconded by Mr. MacDonald.

Vote: 6-0, unanimous.

6:00PM Public Meeting: Bluefish River Tavern (581 Tremont Street) Administrative Site Plan Review

Ms. Turcotte disclosed that the engineer on record is a relative of hers, but she has no financial interest in the project. The other Board members agreed that Ms. Turcotte may vote on matters related to the project.

Steve Guard, attorney for the trust; Erik Daigle, President of the Trust; and Tom Pozerski, site engineer, were in attendance to discuss the project.

Mr. Guard explained that the site plan application is for redevelopment of the old Milepost Restaurant. The proposal is to add a 338 square foot addition to the existing building, to add a seasonal outdoor patio for additional seating, adding ADA compatible features, as well as other site improvements.

The restaurant is a pre-existing, non-conforming use as it is in the Residential Compatibility District. The applicants have applied for a special permit with the Zoning Board of Appeals to extend the non-conforming use. Mr. Pozerski said the building has been an operational restaurant since the 1950s. The site currently has 110 seats, a full-service bar, municipal water, on-site absorption system, non-compliant lighting, and the site is predominantly paved.

Mr. Guard said the owner has had two meetings with neighbors within 300 feet of the project, and have incorporated their comments into the design.

The applicants said they are not changing the configuration, frontage, or coverage of the lot. The access will remain at the main entrance, and the Pinewood Lane entrance will provide access for residents and use as a service entrance.

The applicants are proposing to decrease the amount of impervious material on site, planning to use pervious pavement for the parking area and sidewalks. Mr. Brennan said pervious asphalt has

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worked well on several sites, as long as it is kept away from the septic system. He said the maintenance is not as intensive as previously thought. Mr. Dennison asked Mr. Brennan about the durability of pervious asphalt in New England. Mr. Brennan said he has seen it used at a number of sites in Town and it works very well if it is constructed correctly.

The applicants are proposing to add a waiting area for customers and valet parking. They will be maintaining the existing driveway, and will be providing access improvements and gates/signage. Extensive landscaping is proposed, and they have permission from abutters to take old fences down and connect them to a new fence, and they will provide some additional screening. A new dumpster is also proposed.

The applicants are seeking a waiver for parking space depth. The existing spaces are 18ft wide, and they are proposing 24ft wide spaces to provide for adequate access. Pat Brennan, Peer-Review Engineer of PGB Engineering, LLC, told the applicants that those dimensions were taken from the wrong section of the bylaw, so a waiver is not required.

The total number of parking spaces meets the parking requirements for the size of the building, and took into account the seasonal outdoor seating. Some of this parking is being achieved by valet.

Ms. Rappe asked if the access from Pinewood Lane will be gated. Mr. Pozerski said yes, there will be a gate that they will leave open for Pinewood residents, and will provide signage that the Lane is private. It is the intention that Pinewood Lane will be closed to traffic while the restaurant is open. Traffic flow will be in and out of Tremont Street, as it has been historically with the Milepost Tavern.

Mr. Guard said they have discussed off-site parking if there is an increased demand.

The applicants said they have reconfigured the parking lot in a safer way for pedestrians, as well as providing ADA compliant features. The applicants will take away parking spaces by the entrance and will incorporate decorative barrier prevention, such as boulders, posts, etc.

Ed Sanchez, 252 Chestnut Street, raised concerns about the restaurant's hours of operation and noise-related concerns. The Board advised Mr. Sanchez that the Zoning Board of Appeals will address issues related to the use of the facility in their review of the Special Permit application.

Motion: Ms. Turcotte moved to continue the public meeting to Monday, April 10, 2023 at 6:05PM. Seconded by Mr. Dennison.

Vote: 6-0, unanimous.

6:05PM Public Hearing: Parkside Subdivision

Motion: Ms. Turcotte moved to open the public hearing at 6:38PM, and to waive the reading of the public hearing notice. Seconded by Ms. Rappe.

Vote: 6-0, unanimous.

Brad McKenzie, representing the applicants; Fran DaCoste, representing the Trust; Jay Gallagher, A.W. Perry; and Paul Gallagher, A.W. Perry; were in attendance to discuss the project. Mr. McKenzie gave a brief presentation about the project.

The proposed subdivision is for 12 single-family homes off of 2 proposed roads: 3 lots off of Road A and 9 lots off of Road B. This is the second phase of three-phase project on Keene Street. Phase 1 was the approval of 4 ANR lots along Keene Street in 2021, and Phase 3 will be 4 more proposed ANR lots in the future.

The applicants propose 20ft wide roadways, private septic systems, and public water supply at the site. Mr. McKenzie said there has been extensive soil testing at the site, and the stormwater management is in compliance with MassDEP. The applicants are working with Natural Heritage to preserve the lot in the middle of the site in a Conservation Restriction, as it is prime habitat for the Eastern Box Turtle. Mr. McKenzie said the March 13, 2023 version of the plan was approved by Natural Heritage, and they are working with John Zimmer on the permitting.

The wetland resource delineation, approved the Conservation Commission, is valid until May of next year. The applicants are also meeting with the Conservation Commission for a Notice of Intent related to the stormwater basins. The site is in the Residential Compatibility and Planned Development Districts. A small portion of the site is in the Aquifer Protection Overlay District, but no work is proposed within the district.

The applicants resubmitted plans on March 13, 2023 based on comments from Pat Brennan and the Development Review Team. Road A is considered a local road under the Subdivision Rules and Regulations, which allows for a 14ft wide Right of Way with a hammerhead turn-around. The applicants had originally proposed a hammerhead turn-around, but revised the plans to address comments from the Department of Public Works (DPW) and Fire Department and provided a 20ft Right of Way with a conventional cul-de-sac with a 100ft diameter, since they are planning on bringing the roads forward as public.

The applicants also added a sheet to the plan to show that the Fire Department's ladder truck could maneuver in and out of the site. They also added street trees at 50ft intervals to the plans and provided documentation about hydrant flow testing results, showing that there are adequate flows for single-family home development.

The applicants are seeking a waiver from Section 5.3.22.1.h) of the Subdivision Rules & Regulations, requiring that all trees 12 inches or greater be shown on the plan. Mr. Dennison asked why this waiver is necessary. The applicants explained that there is no other location for

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the roadways to be placed because of the site's topography, the trees are evenly distributed and drawing all the trees larger than 12 inches would take a lot of time and work. There are a lot of pines on the site, but no specimen trees that they would like to preserve.

The applicants said they tried to maintain a natural buffer along Keene Street on the ANR lots, and they tried to balance the subdivision site in terms of cuts and fills.

The applicants are requesting a waiver from Section 7.3.9.B)2 of the Subdivision Rules & Regulations to not include a vegetated island in the center of the cul-de-sac since it is an issue for the DPW in terms of maintenance and snow removal, as discussed at the Development Review Team meeting.

The applicants are also seeking a waiver from Section 7.3.4.a) of the Subdivision Rules & Regulations requiring that property lines at streets shall have a radius of not less than thirty (30) feet, and are requesting that some radii at street intersections be located within easements. There are 3 ANR lots that have already been sold and are being built on. Mr. McKenzie explained that this was a way to convey the lots with the correct frontage before the roadway was built. Mr. Brennan said he understands the reasoning for the waiver, and said this will not affect the layout when the roads are built.

Mr. Casagrande asked if there will be a sidewalk on the site. Mr. McKenzie said they are proposing cement concrete sidewalks along one side of Road B around the whole loop. Mr. Ryan asked the applicants to make sure that the street trees on both sides of the road are equidistant to the edge of the pavement.

Ms. Rappe inquired about the future ANR lots they will be proposing. Mr. McKenzie said there is enough frontage for 4 more ANR lots on Keene Street (shown as Parcel AA and Parcel BB on the subdivision plans).

Ms. Rappe asked if the applicants have considered connecting the two roads with a sidewalk, to improve safety for pedestrians in the area. The applicants will look into this request.

Mr. MacDonald asked if any consideration was made to account for traffic volumes related to Camp Wing. The applicants said they do not expect a lot of traffic in the area from Camp Wing, as attendees usually come in from the highway towards the other end of Keene Street.

Mr. Brennan said the applicants have addressed all the concerns in his original letter and the only thing outstanding item is the applicants working with the tree warden to determine what species they will be planting.

Tom McCain, 492 Keene Street, asked if the intention is to connect the driveways of the 2 ANR lots to Road A. The applicants said there is no plan to connect the driveways to the road currently. Mr. McCain also raised concerns about traffic and parking when there are games being played at the fields across the street.

Ms. Rappe asked whether homes along Road A and Road B will be under the same Homeowner's Association. Mr. DaCoste said they are currently drafting one Homeowner's Association document for all 12 lots, and the ANR lots will be included for architectural review but will not be included in paying for maintenance of the roads. Mr. Uitti suggested adding language in the Homeowner's Association covenants stating that lots on Road A will only pay for Road A, and lots on Road B will only pay for Road B.

The applicants will revise their plans to bring to the April 24th meeting.

Motion: Ms. Turcotte moved to continue the public hearing to Monday, April 24, 2023 at 6:05PM. Seconded by Ms. Rappe.

Vote: 6-0, unanimous.

Zoning Recodification

Mr. Ryan told the Board he sent out requests for proposals from companies for Zoning Recodification and received one other quote besides General Code Corporation. He received approval from the Town Manager to hire General Code and General Code is now looking over the contract that was approved by KP Law. The process will take about one to one and a half years to complete. This will include a public process and an online interactive webpage.

Mr. Ryan said the Board should create Planning Board Rules & Regulations in the future.

Mr. Ryan said the Town has applied for technical assistance from DLTA funding (from MAPC) to update the inclusionary bylaw and heard back that they do not have the funding for the project, but is willing to help the Town apply for EEA funding to pay for the work. He suggested the scope be expanded if they receive the EEA grant.

Comprehensive Plan Implementation

The Planning Board will be meeting jointly with the Selectboard on Monday, April 10, 2023 at 7:00PM to discuss Comprehensive Plan Implementation.

Mr. Ryan suggested holding a meeting of leading groups for the Comprehensive Plan action items.

Planning Director's Report

Mr. Ryan informed the Board that he asked Leslie Fields, Woods Hole Group, if she would be open to writing grants for seawall and beach nourishment projects, working with Pat Brennan. There is an alternative funding source for local match available for the Town's beach nourishment project, so the idea is to implement beach nourishment in phases as the Town receives funding. Marshfield will be starting their beach nourishment in December, so the Town is aiming to start their nourishment project around the same time.

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Mr. Ryan told the Board that OCPC MPO staff, MassDOT District 5, the DPW Director, and the Highway Safety Committee visited the Tremont & Oak, and Tremont & Elm intersections. The group worked on identifying problem areas and potential solutions.

The Town selected Environmental Partners as the surveyors for the Washington Street survey associated with the Complete Streets program. Mr. Ryan told the Board there will be a public meeting on April 19, 2023 with Howard Stein Hudson to discuss the update of the Complete Streets Prioritization Plan to add sections of Washington Street and two other intersections in Town.

Mr. Ryan informed the Board there will be a working meeting with consultant, J.M. Goldsten, on Thursday, March 30, 2023 to identify which sites from the Town's action plan should be run through the MBTA Communities compliance model.

Mr. Ryan told the Board that the Town is planning on applying for the One Stop for Growth program for five projects, and they are hoping to have the grant application turned in by June.

Adjournment

Motion: Ms. Turcotte moved to adjourn at 7:42PM. Seconded by Mr. Uitti.

Vote: 6-0, unanimous.

Materials reviewed at the meeting:

- March 27, 2023 Agenda
- Director of Planning – Duxbury, MA Board Report, dated March 27, 2023
- 89 & 103 Evergreen Street ANR Materials:
 - ANR Application & Checklist
 - Plan entitled "Plan of Land Evergreen Street Duxbury, Massachusetts," prepared for John Sutcliffe; prepared by Grady Consulting, L.L.C., 71 Evergreen Street Suite 1 Kingston, MA 02364; dated February 24, 2023; stamped by Timothy R. Bennett, P.L.S.; scale 1" = 30'; one sheet
- Bluefish River Tavern Administrative Site Plan Review Materials:
 - Public Meeting Notice
 - Administrative Site Plan Review Application received March 10, 2023
 - Plan entitled "Special Permit Site Plan #581 Tremont Street Duxbury, Massachusetts," prepared for Milepost 581 Inc., LLC C/O Jeff Sabel; prepared by Merrill Engineers and Land Surveyors 427 Columbia Road Hanover, MA 02339; stamped by Thomas A. Pozerski, Registered Professional Engineer; dated March 7, 2023; scale 1" = 20'; ten sheets
 - PGB Engineering LLC Letter RE: Bluefish River Tavern – Site Plan dated March 23, 2023
 - Fire Department Review Letter RE: Bluefish River Tavern dated March 22, 2023

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- Email from Interim Police Chief RE: Case Number ASPR #2023-1 Bluefish River Tavern
 - ZBA Case #2023-06: 581 Tremont Street (Bluefish River Tavern)
- Parkside Subdivision Materials:
 - Public Hearing Notice
 - McKenzie Engineering Group Transmittal Sheet (& transmittal sheets to Board of Health & Town Clerk) dated January 12, 2023
 - Application & Checklist received January 12, 2023
 - Abutter's List
 - Plan entitled "Definitive Subdivision Plan to be known as Parkside Keene Street (Assessor's Map 25 lots 003-000, 004-000, 004-008 & 006-000) Duxbury, Massachusetts," prepared for Perry Phillips Woods LLC; prepared by McKenzie Engineering Group, 150 Longwater Drive Suite 101 Norwell, MA 02061; stamped by Bradley C. McKenzie, Registered Professional Engineer; dated January 9, 2023; scale 1" = 100'; 19 sheets
 - Environmental Impact Report dated January 9, 2023
 - Drainage Calculations and Stormwater Management Plan, dated January 9, 2023
 - PGB Engineering, LLC Letter RE: Parkside – Definitive Subdivision dated February 7, 2023
 - Development Review Team Letter RE: Parkside Subdivision (0 Keene Street) dated February 15, 2023
 - McKenzie Engineering Group Response to PGB Engineering LLC Letter, dated March 13, 2023
 - John Hoadley and Sons, Inc. Flow Test Report dated January 23, 2019
 - Environmental Partners Letter dated November 4, 2019
 - McKenzie Engineering Group Response to Development Review Team Letter, dated March 13, 2023
 - Massachusetts Department of Environmental Protection Letter RE: DUXBURY – South Sore Pumping, Inc., Septage Lagoon Closure, dated July 26, 2000
 - Plan entitled "Definitive Subdivision Plan to be known as Parkside Keene Street (Assessor's Map 25 lots 003-000, 004-000, 004-008 & 006-000) Duxbury, Massachusetts," prepared for Perry Phillips Woods LLC; prepared by McKenzie Engineering Group, 150 Longwater Drive Suite 101 Norwell, MA 02061; stamped by Bradley C. McKenzie, Registered Professional Engineer; dated January 9, 2023 and revised through March 13, 2023; scale 1" = 100'; 21 sheets
 - Drainage Calculations and Stormwater Management Plan revised through March 13, 2023
 - PGB Engineering, LLC Letter RE: Parkside – Definitive Subdivision, dated March 16, 2023