



Town of Duxbury Massachusetts Planning Board

TOWN CLERK

2023 JUL -3 AM 11:12

DUXBURY, MASS.

Minutes 6/12/2023

The Planning Board met on June 12, 2023 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Pursuant to Chapter 2 of the Acts of 2023, this meeting was conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Members of the public who wish to watch a replay of the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury YouTube, to watch replays and Video on Demand.

Present: Scott Casagrande, Chair; Kristin Rappe, Vice-Chair; Keith MacDonald, Clerk; Wayne Dennison; Allison Shane; Jennifer Turcotte; and David Uitti.

Absent: None.

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

Mr. Casagrande called the meeting to order at 6:00PM.

Open Forum

Mr. Casagrande welcomed Ms. Shane to the Planning Board.

Ms. Rappe informed the board that the Coastal Resiliency Task Force will be presenting to the Selectboard at their meeting on June 26. The Task Force's three priorities are to support the beach reservation, to make a formal recommendation to hire a Resiliency Planner, and to select an infrastructure project to start working on.

Ms. Shane asked if there was any update on the septic discussion that was held at the last meeting. Mr. Ryan informed the Board that he met with the Town Manager, DPW Director, and the Water & Sewer Supervisor to discuss whether there is grant funding is available for a water and sewer study. He said there may be some funding available through the Economic

Development section of government, which MAPC suggested, and he is setting up a meeting with the DPW Director and Finance Director to validate that funding source. Mr. Ryan said they may also be able to get funding from previously-declared disaster funding.

ADMINISTRATIVE ITEMS

Minutes

Motion: Mr. Uitti moved to approve draft minutes of May 22, 2023 as written. Seconded by Ms. Turcotte.

Vote: 6-0, unanimous (Mr. Dennison absent).

Invoices

Motion: Mr. Uitti moved to approve Environmental Partners Invoice #3795 in the amount of \$2,323.00 for professional engineering services for the Washington Street Survey & Design Project. Seconded by Ms. Turcotte.

Vote: 6-0, unanimous (Mr. Dennison absent).

Committee Appointments

The Board discussed committee appointments

Community Preservation Committee

Motion: Ms. Turcotte moved for Mr. Uitti to continue his 3-year term on the Community Preservation Committee. Seconded by Ms. Rappe.

Vote: 6-0, unanimous (Mr. Dennison absent).

Open Space Committee

Motion: Ms. Turcotte moved for Ms. Shane to fill the vacant Planning Board liaison position on the Open Space Committee from Mr. Glennon joining the Selectboard. Seconded by Ms. Rappe.

Vote: 6-0, unanimous (Mr. Dennison absent).

Diversity, Equity, and Inclusion Steering Committee

Motion: Ms. Rappe moved for Ms. Turcotte to serve a 1-year term on the Diversity, Equity, and Inclusion Steering Committee. Seconded by Ms. Turcotte.

Vote: 6-0, unanimous (Mr. Dennison absent)

MBTA Advisory Board

Motion: Ms. Turcotte moved for Mr. MacDonald to serve a 1-year term on the MBTA Advisory Board, with Mr. Ryan as an alternate. Seconded by Ms. Rappe.

Vote: 6-0, unanimous (Mr. Dennison absent)

*After the meeting, staff was informed that a delegate for Duxbury on MBTA Advisory Board was already chosen by the Selectboard. Mr. Glennon will serve as Duxbury's delegate on the MBTA Advisory Board.

6:05PM Continued Public Hearing: Parkside Subdivision

Brad McKenzie, Fran DeCoste, Jay Gallagher, and Paul Gallagher were in attendance to discuss the project.

Mr. Ryan said staff has not received any new materials from the applicants since their revised submittal in March.

Mr. McKenzie said he appreciates the Board's patience with the process. He said they have not submitted any plan revisions because they would like to have the Conservation Commission's approval before bringing forth any proposed changes. The Conservation Commission hired a peer-review consultant for the project, and the public hearing has been continued to their July 11 meeting. He said the Commission has requested to continue the hearing to afford the Commission the ability to review the conservation management permit, which is planned to be filed with Natural Heritage this week.

Mr. McKenzie explained the status of several items that were discussed at the last meeting. They had asked the Tree Warden, Peter Buttkus, about the species of street trees to be planted, and Mr. Buttkus suggested a 50/50 mix of Swamp Maple and White Oak. The applicants are in the process of contemplating a sidewalk connection, by completing a survey, staking out the ROW lines. They are planning to place the sidewalk along Keene Street within the Right of Way. The DPW Director told them he prefers bituminous concrete for sidewalk construction rather than the cement concrete that is specified in the Subdivision Rules & Regulations, so they will be asking for a waiver for the material substitution.

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Mr. Ryan asked the applicants to submit the requested waivers in written form for the record. Mr. McKenzie said they will update the waivers on the plans and submit a formal letter as well. Mr. McKenzie explained the other waivers they will be requesting for the project. They are requesting a waiver to not provide a landscaped island, at the request of DPW and Fire Department, who indicated that landscaped islands cause maintenance issues and can impede access of emergency vehicles.

Mr. McKenzie said it is the intention of the developer to eventually seek acceptance of the roads by the Town, so they will be constructed in compliance with the Subdivision Rules & Regulations. The applicants will be providing a traditional cul-de-sac rather than a hammerhead turn-around that they had originally proposed, at the suggestion of DPW and Fire Department.

Mr. DeCoste informed the Board he is working on an application for the affordable component. They are required to provide two affordable units.

The applicants and the Board discussed the need to continue the public hearing to give the applicants time to attend the Conservation Commission's public hearing and to prepare the sidewalk plan. The applicants and staff agreed to extend the decision deadline to August 14, 2023.

Motion: Ms. Turcotte moved to continue the public hearing for the Parkside Subdivision to 6:05PM on July 24, 2023. Seconded by Mr. Dennison.

Vote: 7-0, unanimous.

Cooper Hill Road Street Acceptance

Ms. Casagrande said Cooper Hill Road is a standard subdivision, and the approved waivers were not for anything that would affect the quality of the road. The waivers are related to not marking all trees in the Right of Way, providing a sag curve, and for sidewalk materials.

Mr. Ryan said the Fire Department did not have any concerns with the plan.

The Board discussed whether or not to recommend the project, and concluded that there is no reason why they should not recommend approval of the road.

Motion: Ms. Turcotte moved to recommend approval of the Cooper Hill Street Acceptance Plan to the Selectboard. Seconded by Ms. Rappe.

Vote: 7-0, unanimous.

Kevin Sealund, developer of Cooper Hill Road, explained that in terms of the street acceptance process, the residents need to know whether or not it is intended to be a Town way. He said more clarity from the beginning would be helpful.

Mr. Casagrande said the Board is now asking developers in the beginning of the process whether it is their intention to accept the road as public. Mr. Uitti said it is ultimately the residents' decision on whether the road is accepted as a public way.

Dogwood Drive Street Acceptance

Nick Jones, of the Homeowner's Association, was in attendance to discuss the project.

Mr. Ryan said Pat Brennan has been to the site multiple times over the years to inspect the site and everything was in order, but it appears now that the retention basin is not draining adequately.

Mr. Casagrande said it would not be responsible to accept the road when there are already issues.

Mr. Ryan explained to Mr. Jones that Mr. Brennan found that the drainage basin was not draining properly, some of the trees are looking peaked, and the DPW Director said there may be some ground glass in the topsoil for the seeding of the grass. He said the Planning Board is leaning towards not recommending acceptance of the road until these issues are addressed.

Mr. Jones said the Homeowner's Association has contracted someone to do maintenance on the drainage basin in March, and they are following the suggested maintenance plan for the basin. He said he believes the glass was an issue when people first moved onto the street that had been dealt with. Mr. Ryan will check in with the DPW Director about this item.

Mr. Jones agreed to meet with Mr. Brennan and Mr. Ryan on site to discuss address the outstanding issues. Mr. Ryan suggested that the item be continued to the next meeting.

Motion: Ms. Turcotte moved to continue the agenda item for the Dogwood Drive Street Acceptance Plan to the June 26, 2023 meeting. Seconded by Mr. MacDonald.

Mr. Dennison asked why the item needs to be voted on so soon. Mr. Casagrande said the item was referred to the Planning Board from the Selectboard, and there is a certain timeframe they are legally required to follow. Ms. Shane asked if the Selectboard has voted on the item yet. Mr. Casagrande explained that street acceptances are first referred to the Planning Board by the Selectboard, and then the Selectboard holds their vote after they receive the Planning Board's recommendation. Mr. Uitti said it is ultimately the Town's decision at Annual Town Meeting whether the street is accepted as public.

Vote: 7-0, unanimous.

Zoning Recodification

Mr. Ryan informed the Board that Mr. Casagrande and Ms. Rappe will be meeting with staff next week to discuss the Organizational Analysis received from General Code.

Comprehensive Plan Implementation

Mr. Ryan said he is still working on trying to organize a task owners' meeting. He said he is also hoping that the Board could hold a session to discuss all their items. He suggested holding this session in September, potentially on a date outside of the normal meeting rotation.

Planning Director's Report

Short Term Rentals

Mr. Ryan informed the Board that Judy Barrett from the ZBA has requested holding a joint-meeting of the Boards to discuss short-term rentals.

Mr. Ryan also informed the Board that after a meeting with the Town Manager last week, he drafted a short-term rental Zoning Bylaw and General Bylaw. He is planning on having Town Counsel and the Municipal Services Director review the draft bylaws.

The Board discussed the challenges with short-term rental bylaws in Massachusetts.

MBTA Communities

Mr. Ryan said he is planning to present on MBTA Communities to the Selectboard at their July 24 meeting. He said staff is now working with CHAPA for public outreach, which is a consortium that meets regularly to discuss outreach. Mr. Ryan said he is meeting with the Town Manager the week before the presentation to discuss the project as well. Mr. Ryan said he would like to give the presentation to the Planning Board on July 10, so any issues can be addressed before the Selectboard's meeting.

One Stop for Growth Grant

Mr. Ryan informed the Board that he submitted five applications for the One Stop for Growth Grant. He said he received an email from the State explaining that the Town is eligible for expedited contracting for one of the projects.

Coastal Resiliency Task Force

Ms. Rappe thanked Mr. Ryan for his work with the Coastal Resiliency Task Force. She said the amount of extra time he is putting into the Task Force illustrates the need for another staffer.

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Adjournment

Motion: Mr. Uitti moved to adjourn at 7:22PM. Seconded by Ms. Turcotte.

Vote: 7-0, unanimous.

Materials reviewed at the meeting:

- June 12, 2023 Agenda
- Environmental Partners Invoice #3795
- Draft Minutes May 22, 2023
- Planning Board Committee Appointments to be Filled
- Draft Letter to Registry of Deeds RE: Duxbury Planning Board Notices pursuant to G.L. c. 41, s. 81P and s. 81X of authorization to endorse plans
- McKenzie Engineering Email RE: Parkside Definitive Subdivision, Keene Street (regarding tree species) dated May 27, 2023
- Selectboard Memo RE: Layout of Cooper Hill Road as a Town Way dated May 8, 2023
- Sealund Corporation Letter RE: Cooper Hill Road Street Acceptance dated April 3, 2023
- Plan titled "As-Built Plan for Cooper Hill Rd. in Duxbury, Mass.," prepared by South Shore Survey Consultants, Inc., 167 R Summer Street Kingston, MA 02364; prepared for North Duxbury LLC; dated December 28, 2022 and revised through February 28, 2023; scale 1" = 40'; 1 sheet.
- Selectboard Memo RE: Layout of Dogwood Drive as a Town Way dated May 8, 2023
- Email from Dogwood Drive Homeowners Trust RE: Petition for Public Way – Dogwood Drive dated December 14, 2022
- Plan titled "Definitive Subdivision Plan Dogwood Drive (F.N.A. #1065 Summer Street) Duxbury, Massachusetts," prepared by Grady Consulting, L.L.C., 71 Evergreen Street Suite 1 Kingston, MA 02364; prepared for Ducks Berry LLC; dated May 30, 2017 and revised through January 24, 2018; scale 1" = 80'; 12 sheets.
- Duxbury Subdivision Rules & Regulations Section 5.5 Roadway Acceptance Plan
- Town of Duxbury Organizational Analysis prepared by General Code
- Director of Planning – Duxbury, MA Board Report June 12, 2023