



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
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DUXBURY, MASS.

Minutes 07/11/18

The Planning Board met on Wednesday, July 11, 2018 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Present: Scott Casagrande, Chairman; David Uitti, Vice-Chairman; Cynthia Ladd Fiorini, Clerk; John Bear; Jennifer Turcotte; and George Wadsworth

Absent: Brian Glennon

Staff: Valerie Massard, Planning Director; and Ashley MacMillan, Administrative Assistant

Meeting was called to order at 7:00 PM by Mr. Casagrande

OPEN FORUM

Mr. Wadsworth inquired about the zoning change request of the Duxbury Animal Hospital (103 Depot Street), asking if there will be enough time to meet the requirements for a Public Hearing before the Special Town Meeting this upcoming September. Ms. Massard responded yes, and that the hearing will likely be the week of August 14, 2018. There will have to be a Public Hearing before the Special Town Meeting for zoning related articles, but the Citizen's Petition has not been filed and at least 100 certified signatures are required. Mr. Wadsworth asked if the Seawall issue will be put off until March. Ms. Massard commented that fiscal spending will be discussed at the Special Town Meeting, in an attempt to resolve the economic deficit from the past year. Mr. Wadsworth asked if the town is receiving a state grant for the Seawall rebuild. Ms. Massard answered that the grant was applied for but the announcement will not be made until after the Special Town Meeting. The state declared the storm damage a federal disaster and the town is eligible for reimbursements

Ms. Massard reported that the town of Kingston is pleased to work with Duxbury on the Exit 10 signal improvements, and will write a letter of support to include with the grant application. The grant application closes in 2 weeks.

Mr. Casagrande thanked Ms. Massard for her efforts on grant application writing for town projects.

A.) PUBLIC HEARING (7:05 PM): APPLICATION FOR A DEFINITIVE SUBDIVISION; PADDOCK CIRCLE. *Applicant proposes a new subdivision off Alden Street consisting of 5 new and 2 existing lots.*

Ms. Ladd Fiorini made a motion to wave the reading of the public hearing notice, and Mr. Uitti provided a second.

Ms. Massard stated that the applicant and several representatives of the project were present at the meeting, and they have addressed the concerns of Amory Engineers' first review, so the meeting can focus on the revised plans stamped on July 3, 2018. Ms. Massard pointed out a few important notes to start the discussion, including:

- Clarification that there are 2 existing houses on the property and 5 new houses will be built. The Bylaw, with respect to the imposition of an RCC or Inclusionary Housing remains unenforceable at this time. Prior, Town Counsel advised Town Meeting of this when ZBRC changes were proposed but Town Meeting indefinitely postponed the articles. We are working on addressing this with new Town Counsel for the 2019 Town Meeting.
- A land swap with abutter Jacqueline Bottenus (142 Alden Street) will take place to provide a better road access location and move the road away further away from the wetland.
- The land to be developed has a former horse corral, and the Sealund Corporation hopes to salvage the barn by selling and/or moving it to one of the newly created lots.
- Ms. Massard hopes that the Sealund Corp. will work with the Sidewalk Committee to install a crosswalk across Alden Street to the proposed Paddock Circle neighborhood to aid in pedestrian traffic near the school.

Mark Casey, of South Shore Survey Consultants, pointed out that using the USGS stream map, the road was moved to have a 200 foot buffer from the wetland. All road infrastructures will be kept outside 100 feet of the wetland area. Mr. Casey confirmed that there will be 7 total lots in the subdivision, and that all the proposed lots meet the zoning and subdivision rules and regulations. Mr. Casey explained that there will be 3 drainage systems, 1 in the cul-de-sac and 2 at either sides of the entrance to the road. 80% removal of suspended solids will be captured in the 3 drainage systems and kept out of the wetland.

Mr. Casey also pointed out that the Rainfall Intensity Chart currently used in Duxbury (TR-55) is out-of-date, as it was designed in 1955 and rainfall patterns and climate has since changed. South Shore Survey Consultants used the Cornell model to get a better grasp on the drainage calculations based on recent data. Ms. Massard acknowledged that the TR-55 model is indeed outdated, and added that the Duxbury Board of Health uses Cornell. Ms. Massard explained that there is a 75% increase in the rainfall intensity between the 2 models. Ms. Massard is working to address the storm water guidelines with other department heads using funds allocated by Town Meeting and would like to see the Planning Board use the Cornell model instead of TR-55.

Mr. Casey addressed the need to apply for 3 waivers on this project.

1. The Duxbury Rules and Regulations require a sag curve on a road in order to minimize cuts and fills. Instead of a sag curve, Paddock Circle will come out into Alden Street at 2%, which Mr. Casey does not find to be steep. Mr. Casey has designed the 2 catch

basins to be at the mouth of Paddock Circle to help catch sediment and reduce the amount of cuts and fills. The requested waiver would be for Section 7.3.6 in regard to the sag curve.

2. Asking for a waiver for removing trees 12" in diameter or greater in the roadway. Most of the site is already clear. The proposed location of the road maximizes sight distance, so any trees in the way of the road would have to come down.
3. The third waiver requested is for bituminous sidewalks instead of concrete. This would eliminate the need for concrete driveway aprons. Mr. Casagrande clarified that Mr. Casey was requesting the waiver only for the material of the sidewalks, not the sidewalks themselves, and Mr. Casey said that is correct.

Ms. Turcotte asked if the plans conform to the regulations on sight distance, and Mr. Casey confirmed that they do. Mr. Casey stated that he and Mr. Sealund measured the sight distance using Mr. Sealund's vehicle, and found it satisfactory. Mr. Casey also had a traffic engineer do an analysis and diagrams and found no issues with the sight distance.

Ms. Ladd Fiorini inquired about the difference between the oil-grit separator used in the old plan and the 2 catch basins used in the updated plan. Anthony Esposito, of South Shore Survey Consultants, explained that the 2 proposed catch basins (Downstream Defenders) are being proposed in lieu of the oil-grit separator. Mr. Casey stated that he believes the Downstream Defenders are a better catch basin option. Mr. Esposito added that the Downstream Defender will indeed operate better and take up less area than the oil-grit separator, which will leave more room for utilities. Mr. Casey continued that they decided to go with the Downstream Defender at the recommendation of the Town's consulting engineer, Patrick Brennan. Ms. Ladd-Fiorini inquired about the maintenance requirements of using the Downstream Defender, and Mr. Casey replied that the maintenance process is similar to that of other catch basins- to clean it out on an annual basis. Ms. Ladd-Fiorini asked about whom is responsible for cleaning out the basin, and Mr. Casey responded that it will be the responsibility of whoever owns the road. Ms. Massard added that assuming Paddock Circle is to become a private road, the Home Owners Association would be responsible for cleaning it out.

Mr. Wadsworth asked that because the road meets all the rules and regulations of the town, is there a possibility it could become a public road at Town Meeting. Ms. Turcotte added that it can if the waivers are approved, and Mr. Casey agreed. Mr. Casey reiterated that outside of the waivers, all other aspects of the road meet the development regulations for a subdivision.

Mr. Wadsworth asked about the intent of the sag at the entrance, and what the effect of not having it is. Mr. Casey explained that the intent of the sag is so there will not be a 6% slope running out into Alden Street. Ms. Massard added that the intent to avoid cars bottoming out as they approach the intersection. Patrick Brennan, of Amory Engineers, elaborated more on the sag curve discussion, stating that the purpose of the sag curve is to (1) prevent the drainage from the subdivision coming out onto Alden Street, and (2) to prevent a steep slope approaching the intersection so cars can slow and stop safely. Mr. Brennan stated that the slope here is at 2%.

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Mr. Casagrande asked Mr. Brennan for his opinion on the use of the two Downstream Defenders used at the entrance of the subdivision, and he stated that they will capture the water runoff as they are designed, especially with the double-grates.

Mr. Brennan stated that the sight distance according to Duxbury rules and regulations is 350 feet here (speed limit + 5 mph x 10), and Mr. Casey confirmed that the measurement he used is in compliance with that.

Mr. Brennan stated that there is adequate fire flow there based on a pressure test done (but not yet typed up). Mr. Brennan stated that the trees should be labeled in the final set of plans.

Mr. Brennan stated that the 3 drainage systems are located on separate easements within the cul-de-sac, Lot A, and Lot G. Mr. Wadsworth was concerned that the drainage systems are not located on separate lots, as he believes the town may run into access issues during maintenance if the drainage is on private land (assuming the town takes ownership of the road). Mr. Brennan replied that access should not be an issue because of the easements.

Ms. Massard asked if Mr. Brennan would recommend maintenance of the sight line by the Home Owner's Association coordination with the DPW in terms of the public way on Alden Street, where the bend is located. Mr. Brennan stated that because of the location of the trees and the slope, he doesn't believe that will be necessary.

Mr. Bear inquired about the plans for the existing gravel driveway leading to the existing house at the back of the proposed subdivision. Mr. Casey stated that the gravel driveway will be used for construction access and will eventually go away as lots get permitted. Mr. Sealund stated that he will be remodeling the existing home and has a potential buyer, but the buyer will not be living there until after the construction phase.

Graham Dubose, abutter of 168 Alden Street, took the floor to address some questions about the proposed plans. Mr. Dubose was concerned about the grade at the intersection of Paddock and Alden, and inquired as to how it will affect his property and the trees on his property. Mr. Dubose wanted to know if any retaining walls will be installed to slow the flow of water down this grade towards his property. Mr. Casey stated that the catch basin will be sufficient in slowing the flow of water, and that he would be happy to walk and stake the property lines with Mr. Dubose. Mr. Dubose asked if the catch basins will be visible from his property, and Mr. Casey responded that the grate cover is the only portion that will be visible, the rest will be underground. Mr. Uitti stated that Duxbury has regulations to protect trees and root systems during construction, and the trees of abutters. Mr. Sealund added that it is a good idea to protect the trees and will add a note on the proposed plans to do so. Mr. Dubose asked how far the centerline of the pavement is from his driveway, and Mr. Casey responded that it is 84 feet.

Mr. Wadsworth stated that he feels it is important that either the Home Owners Association or the Town require the drainage basins to be located on separate lots rather than easements, and cited an instance where the property owner altered the easement, resulting in major flooding. Mr.

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Casey stated that he understands Mr. Wadsworth's concerns, but the restrictions on land alteration in regard to the easements will be clear in the deed to the future property owners. Ms. Massard added that it is not required in the town regulations that drainage basins be on separate lots.

Mr. Bear inquired if the plan had been to the Town Historian to recommend a road name, and Ms. Massard replied that "The Paddock" was chosen from a recommended list from the Historian.

Ms. Massard asked about the potential for the horse stable to be preserved if Mr. Sealund is able to find a buyer for it. Mr. Sealund responded that he has quite a few people looking at the stable and would like to see this building or parts of it be saved.

Ms. Massard suggested that as a condition of granting the proposed waivers, Mr. Sealund help with the installation of a crosswalk near the Tennis Courts on Alden Street, and Mr. Casagrande agreed that it's a good idea.

The Planning Board agreed to make a plan to do a site visit with Mr. Casey and decided to continue the hearing to the next board meeting.

Motion: Ms. Ladd Fiorini made a motion to continue the public hearing for Paddock Circle at the next Planning Board meeting on July 25 at 7:10 PM, with the changes to the discussed conditions. Ms. Turcotte provided a second.

Vote: 6-0, unanimous.

B.) ADMINISTRATIVE SITE PLAN REVIEW: BONGI'S TURKEY ROOST, 414 KINGSTOWN WAY. *Applicant proposes a demolition, addition, new structure, and new parking spaces.*

Ms. Massard stated that the Planning Board may recall the Bongi's Group from the previous application they submitted for a plan last year, which they have since abandoned. Ms. Massard feels that the new plan is not as extensive as the previous proposal. Ms. Massard stated that Bongi's is proposing to create a new kitchen for commercial sale uses. To clarify, Bongi's plans to continue to use the current kitchen for on-site customers, and the new proposed kitchen for sales to commercial vendors such as supermarkets. There will not be food transported between the two kitchens. At the meeting, board members were given the lighting, landscaping, and architectural rendering plans that had previously been excluded from the submitted plan application.

Chafik Hamadeh of ABC Construction, working with Duxbury Construction and representing Bongi's Turkey Roost, explained the redesign of the project was due to financial reasons. Mr. Hamadeh explained that in the proposed plan, they will be remodeling the existing retail store and moving a portion of the kitchen to the proposed addition, providing more retail space in the

front of the store. Mr. Hamadeh explained that parking has been tight in this lot for years and the proposed additional parking spaces should alleviate the problem. Mr. Hamadeh stated that all drainage will be directed to the rear of the property to avoid flooding in the parking areas. The lighting and landscaping plan was kept simple, and with the business closing at approximately 6:30 PM, the lights will only be necessary in the winter months.

Patrick Brennan, of Amory Engineers, P.C. has reviewed the proposed plans as the Town's consulting engineer and made 11 comments that he reviewed with the board: (1.) Suggested that Bongi's maintain the 10 foot buffer between the gravel parking lot in the back and the abutters, which Bongi's agreed to do; (2. and 3.) Addressed the modeling of the drainage basin, and have since been revised on the plan. The plan shows that there will be no increase of water runoff from the site; (4.) The detention basin is shown as a course gravel bottom, and Mr. Brennan recommends it be grassed with 4 inches of loam, as it treats the storm water better; (5.) Suggested they put 6 inches of loam in the bottom of the forebay instead of sand, and then grass that as well so it will drain at a slower rate; (6.) Mr. Brennan suggested they may need erosion control blankets to stabilize the slopes at the proposed basin and forebay until the slope is vegetated; (7.) Mr. Brennan recommends adding construction details for the proposed parking areas to the plan; (8.) Mr. Brennan recommends car stops (bollards) to provide a barrier between cars and the buildings in the parking area, and to delineate the five proposed spaces west of the building; (9. and 10.) addressed the need for lighting and landscaping plans in accordance with the bylaw, which were provided at the meeting; (11.) Mr. Brennan suggested a consultation with the Board of Health to determine the adequacy of the existing septic system to serve the proposed building and addition.

Mr. Bear asked if the car stops will be cement, and Mr. Brennan confirmed that they will be.

Ms. Massard added that she felt the submitted requirements were complete and that all the conditions were met.

Motion: Ms. Ladd Fiorini made a motion to recommend approval of the proposed demolition and construction as shown on the site plans entitled "Site Plan 414 Kingstown Way" prepared by Duxbury Construction, LLC, dated May 18, 2018 for 414 Kingstown Way, including the lighting details, landscaping and supporting documentation as presented, subject to the conditions noted and as discussed at the meeting. Mr. Bear provided a second.

Vote: 5-0, unanimous, excluding the vote of Ms. Turcotte who had left the meeting.

C.) OTHER BUSINESS

a.) MINUTES

The Planning Board reviewed and made a motion to approve the minutes from 6/13/18 (4-1 with Mr. Bear abstaining) and 6/27/18 (3-2 with Ms. Ladd Fiorini and Mr. Wadsworth abstaining).

b.) MEETING SCHEDULE

The Planning Board agreed to make time in future meetings for various committees (Sidewalk, Bike Path, etc.) to give a short presentation (~15 minutes) about projects happening around town. Ms. Massard agreed to reach out to these committees and invite them to the next Planning Board meeting.

c.) ENGINEERING INVOICES

The Planning Board reviewed and made a motion to unanimously (5-0) approve the Amory Engineers, P.C. invoices 14944B for \$2,104.50; 14944C for \$552.00; and 14944D for \$172.50.

D.) ADJOURNMENT

Motion: Mr. Utti made a motion to adjourn the meeting at 8:55 PM, and Ms. Ladd Fiorini provided a second.

Vote: 5-0, unanimous.

The next Planning Board meeting will take place on Wednesday, July 25, 2018 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room, lower level.

Materials reviewed at the meeting:

- Definitive Subdivision Application and Plans for Paddock Circle
- ASPR Packet for 414 Kingstown Way
- Meeting Minutes 6/13/18 and 6/27/18
- Amory Engineering Invoice #14944B
- Amory Engineering Invoice #14944C
- Amory Engineering Invoice #14944D