



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2020 JUL 28 AM 10:59
DUXBURY, MASS.

Minutes 7/13/20

The Planning Board met on July 13, 2020 at 5PM. This meeting was conducted remotely via zoom video call due to COVID-19.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15 – which will be available via video on-demand through PACTV's website
<https://www.pactv.org/pactv/towns/duxbury/duxbury>

DURING THE PUBLIC HEARING, MEMBERS OF THE PUBLIC WERE PERMITTED TO JOIN THE ZOOM USING THE INFORMATION BELOW:

Join Zoom Meeting

<https://pactv.zoom.us/j/93650141676?pwd=eE5OeWdIMDMvVTY3dkdPVHlOVHRuQT09>

Meeting ID: 936 5014 1676

Password: 576734

+1 929 205 6099 US (New York)

Every effort was made to ensure that the public could adequately access the proceedings to the best of our technical abilities; and despite our best efforts due to lack of technical infrastructure, this meeting will be available on PACTV to view a video recording and a transcript or other comprehensive record of proceedings as soon as possible after the meeting.

Public phone-in access was available during this meeting at 781-934-1100 x5475 Public email access was available during this meeting at duxburyplanningboard@gmail.com.

Present: Scott Casagrande, Chairman; Brian Glennon, Vice-Chairman; David Uitti, Clerk; Cynthia Ladd Fiorini; George Wadsworth; Jennifer Turcotte; and Keith MacDonald.

Absent: None.

Staff: Valerie Massard, Planning Director and Emily Hadley, Administrative Assistant.

Mr. Casagrande called the meeting to order at 5:04PM.

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Open Forum

Mr. Casagrande formally welcomed Mr. Keith MacDonald to the Planning Board. Mr. Casagrande also said that PACTV told the Board that the meeting needs to conclude the meeting at 6:45PM.

Reorganization of the Planning Board

Motion: Mr. Glennon made a motion to nominate Mr. Casagrande to serve another term as Chairman of the Board. Ms. Turcotte provided a second.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

Motion: Mr. Casagrande made a motion to nominate Mr. Glennon to serve another term as Vice Chairman of the Board. Ms. Ladd Fiorini provided a second.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

Motion: Mr. Glennon made a motion to nominate Mr. Uitti to serve another term as Clerk of the Board. Ms. Ladd Fiorini provided a second.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

113 Tremont Street (Dr. Hamori)

Mr. Glennon said that Amory Engineer's review letter says that everything is complete.

Motion: Mr. Glennon made a motion to accept the plan Entitled "As Built - #113 Tremont Street Duxbury, Massachusetts" and dated June 4, 2020, and to release any remaining escrow funds after Amory's final bill is paid. Ms. Turcotte provided a second.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

5:10PM: Continued Public Hearing - Evergreen Terrace Subdivision

Mr. Glennon confirmed that the public hearing was opened and the reading of the public hearing notice was waived at the last Planning Board meeting. Ms. Massard said that the proposed subdivision is at 124 Evergreen Street and reminded the public that there is contact information listed on the agenda for public comment or questions. Ms. Massard said that the Board did not discuss the filing at the previous meeting because there were multiple Board members absent,

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and since that time staff mailed out 11"x17" plans to everyone who was in attendance for the public hearing at the last meeting.

Ms. Massard said that staff asked the applicants to come up with creative alternatives to the plan. She said that it is a difficult site for development because of the grading and topography.

Mr. Brad McKenzie, of McKenzie Engineering Group; Mr. Gerard Sevard, the applicant; and Mr. Peter Dillon, of GeoScience who prepared the hydrogeological assessment; were in attendance.

Mr. McKenzie gave a brief presentation about the project. He said that the site has frontage on Evergreen Street. The site in the Residential Compatibility (RC) District, Aquifer Protection Overlay District (APOD), part of the site is in the Wetland Protection Overlay District (WPOD), and a small portion of the site is within FEMA Zone A. He said that the wetland boundary was approved by the Conservation Commission.

Mr. McKenzie said that there is a 50 foot right of way proposed and the road classifies a local road under Subdivision Rules and Regulations, and the paved portion is 18 feet wide per Fire Department request. He said that the site meets all RC requirements. Mr. McKenzie said that they have to provide a parcel for drainage per the Subdivision Rules and Regulations and surface infiltration basins will be used. He said that they made modifications to their plans per Water Department requests.

Mr. McKenzie said that they are seeking a waiver for a reduced K value, which he said is a waiver consistently granted by the Board. He said that Ms. Massard and Mr. Pat Brennan have been out to the site. He also said they will be filing with the Conservation Commission for single-family homes in the near future.

Mr. Wadsworth said that he sent out an email to Ms. Massard and the Planning Board regarding nitrogen at the site. Ms. Massard said that she forwarded the email to Mr. Brennan and Mr. McKenzie. Mr. Casagrande said that the Board will circle back to that discussion.

Mr. Casagrande noted that the turn-around area is a hammerhead shape.

Mr. Uitti asked the applicant to be more specific about what waivers they are asking for in respect to trees. Mr. McKenzie said that in Section 5.3.2.2.1.h of the Subdivision Rules and Regulations, it says that the applicant must locate trees 12 inches or greater in the proposed street layout and other areas determined by the Board. Ms. Massard said that it appears the road is going through trees at the entrance of the site, but the majority of the roadway is not forested. Mr. Uitti asked if the waiver is requested so the applicant can take down those trees. Ms. Massard said that the intent of the waiver is to find trees that can be preserved, and she and Mr. Brennan did not see any trees that can be saved. Mr. Casagrande asked if the intent is to clear out the entire Right of Way. Mr. McKenzie said that they do not propose to clear cut and they plan to preserve some trees where there is grading. Ms. Ladd Fiorini asked if there are any other trees

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greater than 12 inches in diameter in the rest of the lot. Ms. Massard said that the requirement to locate the trees applies to the road construction and not to the individual building lots under subdivision control.

Ms. Massard said that staff had asked the applicants to create alternative plans to preserve grading and privacy, as well as limit the use of materials. Mr. McKenzie shared an alternative plan with the Planning Board and explained that it would involve a waiver for the Right of Way width and a frontage waiver for each lot which would only have about 130 feet of frontage. He said that he does not see a benefit to the client or the opportunity to minimize grading and related work with the alternative plan. He explained that with the alternative, the road is shorter but the driveways are longer. He said he believes the house is in the best location with the current plan. He said it is currently proposed behind the Westermans' (abutters') pool, about which the homeowners have expressed privacy concerns, but in the alternative the only place to put the house is right behind the Westermans' house as shown on the alternative plan.

Mr. Casagrande said that it seems the alternative requires the same amount of construction as the original plan, and he thinks the original layout is better. Ms. Ladd Fiorini asked if there would be less disruption of trees with a 14 foot road width under the local road provision in the Rules and Regulations, and Mr. McKenzie agreed that it would disturb less trees. Ms. Massard said that fire code supersedes subdivision requirements, and the fire department requests an 18 foot paved road width.

Mr. Uitti asked for clarification that the waiver request is to be able to not show trees over 12 inches in diameter on the plan, and Mr. McKenzie confirmed the waiver is to not have to individually locate the trees over 12 inches in diameter.

Mr. Glennon said that he went to the site a couple of weeks ago and was surprised at the significant topography. He also asked the applicant to confirm that the necessary property owners are involved in the application. Specifically, he noted that the subject properties are owned by Mr. Gerald Ridge as well as an irrevocable trust whose trustee is named Duggan. Mr. Glennon noted that only Mr. Duggan appears to have signed the application. Mr. Glennon also inquired as to Mr. Sevard's relationship to the land. Mr. McKenzie said that the applicant, Mr. Sevard, has a purchase-and-sale agreement. Mr. McKenzie also represented that Mr. Ridge has passed away. Mr. Glennon said that he noticed some apparent pathways over parts of the property, and asked if there is anyone else with property rights whose interests may be affected through this process. By way of example, Mr. Glennon noted a horseshoe-shaped driveway that serves an adjacent residence, as well as a pathway running across the property to the nearby wetlands. Mr. McKenzie said that the driveway was prior to improvement of the lot and the horseshoe shape will be discontinued. He also said he is not aware of anyone having rights to a footpath at the site.

Mr. Glennon observed that there is an enormous amount of cut and fill proposed on the plans, and pointed out that the Design Guidelines set forth in Section 7.2 of the Subdivision Rules and Regulations require the applicant to keep the volume of cut and fill to a minimum. Mr.

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McKenzie said that the applicant has met with abutting homeowners to address their concerns, and they do not want to cut all the way to the property line. Mr. Glennon asked about drainage easements and how water is draining from East to West, and Mr. McKenzie said that they are towards the back of the lot for runoff from the houses and they needed to implement a stormwater feature in the backyard. Ms. Turcotte asked why they did not implement underground infiltration and use detention basins instead. Mr. McKenzie said they needed to design something on the surface that would capture runoff from the watershed and it would not make sense to implement both.

Mr. Jeff Connolly, 30 Driftwood Drive, explained that he is an abutter who just moved to Duxbury, and his main concern is about how long the construction will take because he spends a lot of time in his backyard with his children. Mr. McKenzie said that road construction could start around September, with the site stabilized around November, and home construction would commence right after. Mr. Casagrande told Mr. Connolly that there is a buffer of trees that will be left behind his house. Mr. McKenzie said that there will be about 130 feet of buffer to the property line. Mr. Connolly said that he is concerned about trees being maintained. Mr. McKenzie said that there will be about 50 feet of trees maintained and the driveway will be below Mr. Connolly's property elevation.

Ms. Massard said that if the Board wants to continue the public hearing they could continue to Monday, July 27th at 5:05PM, she has just confirmed this with PACTV.

Mr. Casagrande said that he says the waiver situation makes sense to him, and noted that the applicants are trying to stay as far away from the abutters as possible. Ms. Ladd Fiorini asked if Mr. Sevard's purchase-and-sale agreement is contingent on the Board's approval, and Mr. McKenzie confirmed that it is. Ms. Ladd Fiorini said that it was discussed multiple times that the topography of the site is difficult, and offered that not every property needs to be built upon. Mr. McKenzie said that the site could be built upon without waivers, but he wants to save time and work, so waivers are in public interest. He said the lots will be built in compliance with the Subdivision Rules and Regulations.

Motion: Mr. Glennon made a motion to continue the public hearing to Monday, July 27, 2020 at 5:05PM via Zoom. Ms. Ladd Fiorini provided a second.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

ANR Plan - Modoc Street

Ms. Massard said that there are 2 additional lots proposed, at West Street and Modoc Street, running along the opposite side from Town Conservation land. She said Mr. Freeman "Bo" Boynton III and Mr. Freeman Boynton Jr. own all of the land from Modoc to West Street. The applicants talked to the Conservation Commission on improving the road and they widened it to West Street. Ms. Massard said that they did a great job on the road, and now they are submitting

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an ANR plan to create four lots from two lots. She also said that the Fire Department approved the proposed access for new house lots after inspecting the work, and Amory Engineering performed an inspection, which the Planning Board received the report of, and found the improvements installed are adequate and appropriate for two new proposed house lots.

Mr. Freeman "Bo" Boynton III told the Board that the site is sufficient in width and grade. He said there are two existing lots at 255 West Street and 1 Modoc Street, and they propose to create four lots by removing one single lot line and creating three new lots. He said there are no wetlands at the site.

Mr. Glennon stated that he visited the site and observed significant slopes along the frontage of the proposed new lots. He asked where the lots have actual access to the roadway, noting that the Planning Board is obligated to determine both legal frontage as well as adequacy of actual access. Mr. Boynton said that there is a steep slope between lots 1 and 5, and there is an approved building permit for 5 Modoc Street that shows the driveway at the end of the lot. Ms. Massard said that the Fire Department approved a proposed driveway shown on the permit issued for 5 Modoc Street, and the Boyntons' plan is to use very similar approaches to that was previously approved for the other driveway. Mr. Casagrande said that the road is clearly accessible.

Mr. Glennon said that the road is currently gravel and asked if there is any plan to pave the road. Mr. Boynton said that they would need Conservation's approval and there are no plans to pave at the moment.

Motion: Mr. Casagrande entertained a motion to approve ANR plan entitled "Plan of an ANR Division of Land - 1 Modoc Street & 255 West Street Assessor's Parcels 070-035-007 & 070-035-006" and dated May 27, 2020 as written. So moved by Ms. Ladd Fiorini.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Turcotte - Aye; MacDonald - Aye; Wadsworth - Nay.

Comments for Selectmen RE: Site Eligibility Application to MassHousing received June 30, 2020 - Village at Harlowbrook 766 & 782 Temple Street (40 units, 10 affordable)

Ms. Massard said that the Board of Selectmen has 30 days to comment, and the filing was made at the end of June. The applicants sent a site eligibility application to MassHousing to determine if it is suitable for the proposed development.

Mr. Mark Casey, of South Shore Survey Consultants, Inc.; and Mr. Mounir Tayara, the applicant; were in attendance. Mr. Casey said that they had received an ORAD from the Conservation Commission for the wetlands lines. He said there are 40 dwelling units proposed, with the majority being duplexes. He said that the site was previously mapped as partially located in a flood zone without base flood elevation (BFE), so they did a BFE analysis and filed for a Letter of Map Revision (LOMR) with FEMA to determine the base flood elevation, which

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was accepted by FEMA. Mr. Casey said that there is 22 foot wide road proposed with a four foot wide sidewalk. He told the Board that the site is across from the Harrington property.

Mr. Tayara said that they designed 40 units, with the majority of units having two bedrooms and a first-floor master bedroom. He said there are four units with three bedrooms, and those units also have first-floor master bedrooms. He said it will be a private roadway and there will be Homeowner's Association.

Mr. Glennon said that there are two stand-alone units and asked why neither of those units are proposed as affordable to broaden equitability. Mr. Tayara said that MassHousing did not have an issue with the layout of the affordable units as shown, and one of the three-bedroom units at the development is affordable. Mr. Casey said they had to submit an affordable housing distribution plan to MassHousing.

Mr. Casagrande noted that because of PAC-TV scheduling constraints, the Planning Board would have to adjourn momentarily.

Motion: Mr. Glennon made a motion to continue the remaining items on the agenda to Monday, July 27, 2020. Ms. Turcotte provided a second.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

ADJOURNMENT

Motion: Mr. Casagrande entertained a motion to adjourn. So moved by Ms. Turcotte.

Vote: Casagrande - Aye; Glennon - Aye; Uitti, - Aye; Ladd Fiorini - Aye; Wadsworth - Aye; Turcotte - Aye; MacDonald - Aye.

The next Planning Board meeting will take place on Monday, July 27, 2020 at 5:00 PM via Zoom.

Materials reviewed at the meeting:

- Agenda July 13, 2020
- Staff Report RE: 113 Tremont Street - Dr. Hamori dated July 10, 2020
- Grady Consulting Cover Sheet RE: Final As-Built - 113 Tremont Street (Assessors Lot 062-751-002) Applicant: 113 Tremont Street Realty LLC
- Amory Review Letter: 113 Tremont Street - As-Built Plan dated June 30, 2020
- Plan Entitled "As Built - #113 Tremont Street Duxbury, Massachusetts" and dated June 4, 2020
- Public Hearing Notice: Evergreen Terrace
- Staff Report: Evergreen Terrace

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- Evergreen Terrace Definitive Subdivision Application dated March 31, 2020
- Evergreen Terrace Environmental Impact Report dated March 16, 2020 and revised June 1, 2020
- Evergreen Terrace Definitive Subdivision Plans dated March 16, 2020 and revised June 1, 2020
- Evergreen Terrace Stormwater Report dated March 16, 2020 and revised June 1, 2020
- Email Correspondence RE: Evergreen Terrace- DPW and Water Department
- Amory Review Letters: Evergreen Terrace - April 28, 2020 and June 23, 2020
- McKenzie Engineering Response Letter to Amory Engineers - June 1, 2020
- Staff Report RE: Modoc Street ANR Plan - Bo & Freeman Boynton dated July 10, 2020
- Plan Entitled "Plan of an ANR Division of Land - 1 Modoc Street & 255 West Street Assessor's Parcels 070-035-007 & 070-035-006" and dated May 27, 2020
- Duxbury Construction LLC Proposed Road Improvements in Duxbury at 1 Modoc Street and 255 West Street dated November 14, 2019
- MassHousing Memo to Board of Selectmen RE: Proposed 40B - Village at Harlow Brook
- Draft Planning Board Memo to Board of Selectmen RE: Site Eligibility Application - Village at Harlow Brook
- Zoning Recodification: Draft Table of Contents - KP Law, P.C.
- KP Law Zoning Recodification Invoice #126749
- Merrill Invoice #9252
- Draft Minutes June 29, 2020