



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
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DUXBURY, MASS.

Minutes 07/25/18

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

Present: Scott Casagrande, Chairman, Cynthia Ladd Fiorini, Clerk; John Bear, and George Wadsworth.

Absent: Jennifer Turcotte; and David Uitti, Vice-Chairman; and Brian Glennon.

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

Mr. Casagrande called the meeting to order at 7:05 PM.

OPEN FORUM

Mr. Wadsworth noted that several of the Planning Board members did a site walk, at various times, with Kevin Sealund of Sealund Corporation, and Mark Casey of South Shore Survey Consultants, Inc., on Monday, July 23 for a site visit of the proposed Paddock Circle off Alden Street in Duxbury, Massachusetts.

Ms. Massard reported that she heard back from the state regarding Duxbury's eligibility for grant money, and the town has been approved to apply for the Municipal Vulnerability Preparedness (MVP) Grant. Mr. Casagrande thanked Ms. Massard for all her efforts on grant writing.

Ms. Massard stated that the agenda packets include copies of the Citizen's Petition articles for the 2 zoning changes, one by Duxbury Animal Hospital and the other for Island Creek Oysters. The Planning Board public hearing for these articles will be August 8, 2018 in preparation for the Special Town Meeting on September 6, 2018.

A.) CONTINUED PUBLIC HEARING (7:10 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. Massard stated that at the previous hearing there was a discussion of the existing trees on the property, with concern for those in the road layout. Ms. Massard pointed out that the Planning Board has received the hydroflow test from Amory Engineers, P.C. finding the results to be satisfactory, as well as a letter from the Board of Health stating that the plans meet the requirements of the health code. Ms. Massard added that in reviewing the drafted minutes from

the July 11, 2018 meeting, she has realized that language regarding the existing gravel driveway needs to be added to the document.

Mark Casey of South Shore Survey Consultants, Inc. stated that the plan has been adjusted to locate the trees as requested. Mr. Casey stated that the drip line is important for the trees in the roadway. Mr. Casey stated that when he stakes out the middle of the road, he would be happy to look at the trees with the Tree Warden, Planning Board and Planning Staff.

Mr. Casey addressed the drainage easement, one of Mr. Wadsworth's concerns at the last meeting. Mr. Casey stated that the drainage is located on easements for the benefit of the Home Owner's Association (or the town, if the road becomes public), so the drainage can be easily accessed for maintenance. Mr. Casey feels that by locating the drainage on an easement, it will be possible to prohibit landscaping and/or building over the drainage basins, and notes have been added to the plan relative to this to make the intent clear.

Mr. Casagrande inquired about type of ground cover that will be allowed on the drainage easements, stating that anything with deep root systems could cause potential problems in the future. Mr. Casey replied that grass is the preferred ground cover, but shallow root vegetation could also be considered. Ms. Ladd Fiorini added that there could be potential confusion to property owners regarding the allowable ground cover on the drainage easements, and asked how the restrictions on ground cover would be enforced once the lots are sold. Ms. Massard responded that it would be the responsibility of the Home Owner's Association to monitor the easements. Mr. Casagrande stated that adding a note to the Covenant about the landscaping restrictions on the easements should be sufficient, and it should also be noted that the island is the cul-de-sac will be grass only. Mr. Bear questioned whether there is a universally accepted definition of "ground cover". Mr. Casey agreed with the board members concerns, and suggested adding an appendix to the Home Owner's Association maintenance plan defining ground cover and specifying which species can be planted on the easements.

Mr. Casagrande asked how the existing gravel driveway leading to the back lot (with the existing house) will be addressed. Mr. Casey responded that there are plans to make use of the gravel driveway during construction and the remodeling of the existing house, and as other lots become permitted, the gravel driveway will be removed. Mr. Sealund, the applicant, added that he has no problem removing the gravel driveway as building permits/occupancy permits are issued for the individual lots.

Mr. Wadsworth asked about the flow for the fire hydrants, and Mr. Patrick Brennan of Amory Engineers, P.C. answered that he believes it is adequate. Mr. Wadsworth added that the 6-inch water main line that is currently there should be shown on the existing conditions plan, and asked what the plans are for the future water main. Mr. Sealund answered that he will agree to whatever Peter Mackin, Water Superintendent, wants to do with the main, and will make his conditions based on Mr. Mackin's recommendation. Mr. Wadsworth requested that those plans and existing conditions be shown on the As-Built, existing conditions plans, or both.

Upon reviewing the draft Certificate of Notification, Ms. Massard recommended making a reference of the notes added to the plans regarding the trees and vegetation under item 2D. Ms. Massard also recommended adding item 3D regarding the gravel driveway and Mr. Sealund's condition of its removal corresponding with the timing of the building permits.

Ms. Ladd Fiorini asked about the possibility of keeping the condition in Section 10 that the landscaping must be maintained in perpetuity. Ms. Massard stated that the Planning Board maintains the escrow account for maintaining landscaping and pointed out the Rules and Regulations require it for the two years it takes vegetation to establish. Mr. Casagrande pointed out that the regulation of maintaining landscaping forever is unenforceable because of the nature of vegetation over time (trees dying, for example, etc.). Ms. Ladd Fiorini and Mr. Casagrande agreed that wording should be removed. Mr. Casey added that the rules and regulations require two years of maintaining landscaping. Mr. Casey agreed to add the definition of ground cover here.

Mr. Casey requested that under the Condition of Waiver item 1, the limit of \$15,000 be added so that the construction cost of the crosswalk cannot exceed the agreed upon amount.

Upon reviewing the draft Covenant to run with the land, Ms. Ladd Fiorini pointed out that you should not restrict animals in a subdivision as Duxbury is a Right-to-Farm Community. Mr. Sealund agreed to remove and/or review that item.

Mr. Sealund added that he would like to add a restriction to item 29 "Wells" to prohibit the construction of wells in areas that could interfere with abutters septic systems. Mr. Casey added that there needs to be a 100 foot setback from a septic system to install a well. Mr. Bear asked if multiple properties in the subdivision could use an existing well. Mr. Sealund added that they might be able to use an existing well for a common purpose such as the landscaping at the entrance of Paddock Circle.

Mr. Bear asked Mr. Brennan if he thought the plan needed anything else to be added, and Mr. Brennan answered no.

Motion: Mr. Bear made a motion to approve the proposed subdivision plans titled "The Paddock" subject to the conditions agreed upon at the July 25, 2018 meeting. Ms. Ladd Fiorini provided a second.

Vote: 4-0, unanimous.

B.) ZBA REFERRAL, SPECIAL PERMIT: 66 Cove Street

Mr. Casagrande gave a brief overview of the application which includes a proposed addition to attach the garage to the house and the addition of a second story above the garage. After reviewing the plans the Board concluded that the home will be mostly built up and not out. Mr. Casagrande stated that the second story addition will still conform to the setback regulations. Mr.

Casagrande stated that because the proposed plan does increase volume, but does not exceed height or side yard restrictions, he is comfortable deferring the plans to the Zoning Board of Appeals.

Motion: Ms. Ladd Fiorini made a motion to defer the Special Permit Application to the Zoning Board of Appeals for the proposed addition at 66 Cove Street, and Mr. Wadsworth provided a second.

Vote: 4-0, unanimous.

C.) OTHER BUSINESS

Planning Director Report

Ms. Massard reported that she is working on a request to take bids for the updating of storm water guidelines project.

Ms. Massard is reaching out to several committees such as the Sidewalk & Bike Path Committee, Open Space Committee, etc. and invited them to attend a Planning Board meeting. Ms. Massard expects that one should attend an upcoming meeting soon and give a short presentation on current projects in the community, and this will become an ongoing process.

Ms. Massard gave a brief overview of the Citizen's Petition Articles and explained that they are on the Agenda for August 8, 2018 Public Hearing. At the August 8 meeting, the Articles will be discussed more now that the language has been distributed to board members. Mr. Bear inquired about the definition of NB-Light and Ms. Massard explained that it is a special term created for businesses that need to be zoned commercially but have certain restrictions different than a NB-1 or NB-2. Mr. Casagrande suggested that a NB-Light would be appropriate for a residential building that would like to operate as a commercial office. Mr. Casagrande explained that the NB-Light keeps properties looking residential and maintains the historic characteristics of Duxbury.

D.) ADJOURNMENT

Motion: Mr. Bear made a motion to adjourn at 8:29 PM, and Mr. Wadsworth provided a second.

Vote: 4-0, unanimous.

The next Planning Board meeting will take place on Wednesday, August 8, 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 dated 7/16/18 for Paddock Circle; Corresponding Letter from Board of Health; Letters from Amory Engineers, P.C.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; www.town.duxbury.ma.us/planning

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- Application packet from the ZB for Special Permit, 66 Cove Street
- Citizen's Petition Articles for Duxbury Animal Hospital and Island Creek Oysters
- Construction Cost Estimates for June 2018

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.