



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
2023 SEP -7 PM 2:54
DUXBURY, MASS.

Minutes 8/14/2023

The Planning Board met on August 14, 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; Wayne Dennison; and Allison Shane.

Absent: Keith MacDonald; Jennifer Turcotte; and David Uitti.

Staff: Christopher Ryan, Planning Director.

Mr. Casagrande called the meeting to order at 6:03PM.

Open Forum

Ms. Rappe announced that Mr. Ryan will be departing his position as Planning Director and taking a position in another community. The Board thanked Mr. Ryan for the work he has done for the Town in his time as Planning Director.

Mr. Casagrande informed the Board that there will be an item on the next agenda for Michael Juliano for a discussion of his property.

Administrative Items

Invoices

Motion: Mr. Dennison moved to approve for payment Foth Invoice #85387 dated August 11, 2023 for Duxbury Waterfront Improvements. Seconded by Ms. Shane.

Vote: 4-0, unanimous.

ZBA Case #2023-15: 160 Marshall Street (Bungalows 1 & 2)

The Board discussed that the “bungalows” are currently permitted as accessory structures on the property, but as they are located in the Wetlands Protection Overlay District, they require a special permit. They did not see any other zoning issues with the application.

Motion: Mr. Casagrande moved to defer judgement of the special permit application to the ZBA, including the Planning Director’s Board Report. Seconded by Mr. Dennison.

Vote: 4-0, unanimous.

ZBA Case #2023-16: 612 Congress Street

Jennifer Johnson, the applicant, was in attendance remotely to discuss the application to change the use of the building from a gym to an animal hospital. The Board discussed that an animal hospital is an acceptable use in the Residential Compatibility (RC) district through a special permit, so they see no issues with the proposal.

Ms. Rappe suggested to the applicant that it may be helpful to include what dates the building was operated as a veterinary hospital in the past in the application. Mr. Casagrande informed the applicant that the project may potentially require site plan approval in the future if they need to expand the parking lot or make other site improvements.

Motion: Mr. Dennison moved to defer judgement of the special permit application to the ZBA, including the Planning Director’s Board Report. Seconded by Ms. Shane.

Vote: 4-0, unanimous.

ANR #2023-5: 61 & 79 Pinewood Lane

Mr. Ryan informed the Board that the applicant was unable to attend the meeting due to a conflict. He explained that the purpose of the plan is to adjust the lot lines so the driveway is on the same parcel as it is used for. He noted that the plan does not cause any frontage issues for either of the lots.

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the same parcel as it is used for. He noted that the plan does not cause any frontage issues for either of the lots.

Motion: Mr. Dennison moved to endorse the plan entitled "Plan of Land, 61 Pinewood Lane, Parcel 094-014-006, Duxbury, MA & 79 Pinewood Lane, Parcel 094-16-001, Duxbury, MA," as not requiring approval under the Subdivision Control Law. Seconded by Ms. Rappe.

Vote: 4-0, unanimous.

ANR Plan Re-Endorsement: 29 Peterson Road

The Board discussed that the original plan was endorsed as not requiring approval under the Subdivision Control Law on June 13, 2022. The applicant lost the signed Mylar plan and requested that the Board sign another plan so it can be recorded at the Registry of Deeds. Nothing on the plan has changed since its original endorsement but Planning Board membership has since changed, so a re-endorsement vote is required.

Motion: Ms. Rappe moved to re-endorse the plan entitled "Plan of Land, #29 Peterson Road, Duxbury, Massachusetts," as not requiring approval under the Subdivision Control Law. Seconded by Ms. Shane.

Vote: 4-0, unanimous.

6:05PM Continued Public Hearing: DPW Facility

Motion: Ms. Rappe moved to reopen the public hearing. Seconded by Mr. Dennison.

Vote: 4-0, unanimous

Jeff Alberti, Brian McCusker, and Elena Concur of Weston and Sampson and Peter Buttkus, Department of Public Works (DPW) Director; were in attendance to discuss the project.

Mr. Ryan said the developers did a thorough job of addressing all the comments that were presented to them from Pat Brennan, staff, the Board, and abutters. Mr. Dennison noted that Pat Brennan's report dated August 9, 2023 it seems that Mr. Brennan is satisfied with all of the applicants' responses and revised application materials.

The Board and the applicants discussed the amount of land that is being cleared for the project. The applicants clarified that they are proposing to clear about 74,105 sq. ft. of trees for the project, and the 187,000 sq. ft. that was described at the last meeting is actually the limit of work for the entire site, including the previously-developed area.

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

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The Board asked whether the applicants had looked into addressing the slope differently as suggested at the last Planning Board meeting. The applicants said they looked into bringing in the edge of clearing by increasing the slope, but they determined that their proposed slope is best for slope stability.

The applicants discussed the plantings that are proposed as a buffer between the facility and the neighbors to the East of the facility. The Board requested that the applicants inform the abutters of the proposed buffer, to see if they are agreeable to the size and type of plantings.

The Board inquired about the existing fence on the abutter's property. Mr. Buttkus said the neighbors chipped in for the cost to buy the fence and the DPW had installed it years ago. The applicants confirmed that the fence will be staying in place.

Mr. Dennison asked the applicants how many of the requirements in the Zoning Bylaws Section 611.6 they have met through their submission. The applicants went through the requirements through Section 611.6, and concluded that they have met all the requirements.

Mr. Dennison asked if the applicants have done Natural Heritage mapping, and the applicants confirmed that there are no endangered species, no critical habitat on the site, and no wetlands on the site.

Ms. Shane asked if the applicants have looked into the drainage issue that was discussed by abutters at the previous meeting. The applicants confirmed that they reviewed the issue, and said the issue currently is that a lot of site drainage is flowing down the driveway but this will be captured by the proposed new stormwater system. The applicants said the position current salt shed allows for leaching easier, which will be addressed with the new design of the structure. Mr. Buttkus said he can talk to MassDOT about the drainage issue on Route 3A as well.

Mr. Casagrande asked if there are any implications of the leaching that has happened in the past. The applicants said they performed hydrogeologic calculations, and they are in compliance with regulations. Mr. Buttkus said the design of the new structures will also prevent further leaching.

The Board inquired about the status of the Right of Way easement. The applicants said they are currently in talks with the neighbor who owns the driveway. The applicants said they walked through the site with Jim Wasielewski and they determined that the abutter currently has just over 200 feet of frontage, so taking away the driveway portion of the lot would affect the legal lot frontage.

The applicants explained that the DPW currently owns an access easement for the driveway but the whole driveway is not included in this as it has been expanded over the years, so they are looking to formalize including the whole driveway in the easement. Mr. Buttkus said the neighbors and Assessors are determining an amount for the easement, and he believes the easement would have to be approved at Annual Town Meeting.

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Mr. Casagrande suggested that the Board moves forward with approvals, with the condition of the driveway easement being approved and if any issues arise with easement, the applicants should come back in front of the Board to discuss their options.

The Board suggested that the applicants inform abutters of the proposed plantings/screening as a condition of approval. The applicants agreed to meet with the abutters, and said they can go over the plans with abutters as construction starts.

The Board asked if there was a possibility to get screening put in place sooner for the benefit of abutters, rather than at the end of the project. The applicant said they can see if that is feasible, but otherwise there will be fencing and screening in place during construction.

No comments from the public were received during the public hearing.

Motion: Ms. Rappe moved to close the public hearing. Seconded by Ms. Shane.

The Board discussed whether the applicants' conversation with the abutters should occur before the Board issues their decisions, or if it should be a condition of approval. The Board decided to approve the special permits for the project continue the meeting for the Administrative Site Plan Review to the next Planning Board meeting on August 28.

Motion: Ms. Rappe moved to close the public hearing. Seconded by Ms. Shane.

Vote: 4-0, unanimous.

Motion: Mr. Dennison moved to approve the APOD Special Permit and Land Clearing & Grading Special Permit for the DPW Facility. Seconded by Ms. Rappe.

Vote: 4-0, unanimous.

Comprehensive Plan Implementation

Mr. Ryan informed the Board that he hosted a meeting of Comprehensive Plan Implementation task owners the previous week. Mr. Casagrande was in attendance at the meeting on behalf of the Planning Board. Mr. Ryan stated that he sent task owners a guidance document and provided the task owners with several opportunities to discuss the process, or meet one-on-one. He said Planning has received status updates from 15 of the 28 task owners.

Mr. Ryan said he will share with staff the master spreadsheet for the action items. He said the goal is to create a shared drive to access the spreadsheet, rather than sending separate spreadsheets via email.

Zoning Recodification

Mr. Ryan informed the Board that General Code Corporation is planning to have their next deliverable document to the Town by October, which is two months ahead of the schedule in the scope. This document will be looking at the organizational and legal analysis.

Mr. Dennison asked Mr. Ryan if there was any progress with the preliminary draft short-term rental Zoning Bylaw. Mr. Ryan explained that there was a meeting of interested parties, including Town Counsel, to discuss the draft. The meeting resulted in he and Jim Wasielewski, Director of Municipal Services, being tasked with polishing up the draft. Mr. Ryan said he will prioritize this before he departs the Town.

Planning Director's Report

Washington Street Survey

The Board discussed the completed survey with stakes along Washington Street. Mr. Ryan informed the Board that he and Mr. Buttkus will be performing a site visit to review the stakes along the street, and asked if any of the Board members would like to attend.

Mr. Ryan said the Town will get up to \$500,000 for funding from Complete Streets to construct projects, and that is all the funding they can receive for four calendar years, so the Town will be able to complete some of the sidewalk segments but will need to seek additional funding for the other segments. Mr. Ryan and the Board discussed other potential funding sources for the sidewalks.

Mr. Ryan suggested that the Planning Board meet jointly with the Sidewalk and Bike Path Committee in the future. He also suggested that the Town should potentially consolidate the Sidewalk and Bike Path Committee and the Highway Safety Committee into a combined Transportation Committee.

OCPC

Ms. Shane agreed to be the Town's delegate to the Old Colony Planning Council (OCPC) until the new Planner is hired.

MBTA Communities

Mr. Ryan informed the Board that the Selectboard is wary of the regulations, but gave the approval to move forward with the three sites that were identified.

Mr. Ryan said the RFP will be released in the next few days for MBTA Communities zoning assistance, with a deadline in September. He said the Town has received an accelerated grant

from the State for this purpose. Mr. Ryan asked the Planning Board if they would be comfortable with him looking over the RFP responses, and he will be asking the Town Manager the same. The Board agreed that they would like Mr. Ryan to review the responses.

Mr. Ryan informed the Board that his last day working for the Town is August 25th and he will be leaving a well-detailed exit memo for the next Planner.

Adjournment

Motion: Mr. Dennison moved to adjourn at 7:20PM. Seconded by Ms. Shane.

Vote: 4-0, unanimous.

Materials reviewed at the meeting:

- Revised Agenda: August 14, 2023
- Foth Invoice #85387
- ZBA Case #2023-15: 160 Marshall Street (Bungalows 1 & 2)
- ZBA Case #2023-16: 612 Congress Street (plus letters of support)
- ANR #2023-5: 61 & 79 Pinewood Lane – Application & Checklist
- Plan entitled “Plan of Land 61 Pinewood Lane Parcel 094-014-006 Duxbury, MA & 79 Pinewood Lane Parcel 094-016-001 Duxbury, MA,” drawn for Paul Muzrim & Robert Murphy; drawn by Stenbeck & Taylor, Inc., 844 Webster Street Suite 3 Marshfield, MA 02050; dated July 27, 2023; stamped and signed by Richard Servant, Professional Land Surveyor; scale 1” = 30’; one sheet
- Memo RE: 29 Peterson Road ANR Re-Endorsement
- Memo RE: ANR Endorsement – 29 Peterson Road dated June 14, 2022
- Planning Board Minutes dated June 13, 2022
- Plan entitled “Plan of Land #29 Peterson Road Duxbury, Massachusetts,” drawn for Patrick O’Connell; drawn by Merrill Engineers and Land Surveyors, 427 Columbia Road Hanover, MA 02339 and 26 Union Street Plymouth, MA 02360; dated June 1, 2022; stamped and signed by Bradley K. Lemont, Professional Land Surveyor; scale 1” = 20’; one sheet
- DPW Facility:
 - Weston & Sampson Letter RE: Duxbury DPW Facility – 878 Tremont Street, Applications for Site Plan Approval and Special Permits, Response to Peer Review Comments and Supplemental Information dated August 7, 2023
 - Plans entitled “Town of Duxbury, Massachusetts New Department of Public Works Facility Site Plan Review | Zoning Board of Appeals Special Permit 878 Tremont Street, Duxbury, MA Map 92, Plot 500, Lot 16,” prepared for Town of Duxbury; prepared by Weston & Sampson Engineers, Inc., 100 Foxborough Boulevard, Suite 250 Foxborough, MA 02035; dated June 21, 2023 and revised

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through August 7, 2023; stamped and signed by James R. Fair, Registered Professional Engineer; 8 sheets

- Attachment A – Assessors Map
- Attachment B – Hydrogeologic Assessment and Nitrogen Loading Analysis
- Attachment C – Water Quality Sizing Calculations
- Attachment D – Operation and Maintenance Plan
- PGB Engineering, LLC Report RE: DPW Facility – Site Plan and Special Permits dated August 9, 2023
- Abutter Email RE: Duxbury DPW new facility proposal dated July 24, 2023, including attached photo and video
- Director of Planning – Duxbury, MA Board Report dated August 14, 2023