



Town of Duxbury Massachusetts Planning Board

TOWN CLERK

2022 NOV 30 AM 8:56
DUXBURY, MASS.

Minutes 9/26/2022

The Planning Board met on September 26, 2022 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332 and remotely via zoom.

Pursuant to Governor Baker's Chapter 20 of the Acts of 2021, this meeting was conducted in person and, as a courtesy, via remote means in accordance with applicable law. For this meeting, members of the public who wished to watch the meeting were able to do so using the ZOOM login information below.

Every effort was made to ensure that the public could adequately access the proceedings to the best of our technical abilities.

Zoom Video Link: <https://zoom.us>, click "Join a Meeting"

Zoom Phone Number: 1-(929)-436-2866

Meeting ID: 862 9276 9394

Passcode: 563334

Present: Scott Casagrande, Chair; Brian Glennon, Vice-Chair (attended remotely); Keith MacDonald, Clerk; Kristin Rappe; and Jennifer Turcotte.

Absent: David Uitti; and George Wadsworth.

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

Mr. MacDonald called the meeting to order at 6:03PM. Mr. Casagrande arrived at 6:04PM.

Open Forum

Mr. Glennon, as liaison to the MBTA advisory board, told the Board that the MBTA is planning on converting all the commuter rail lines from diesel to electric, which will be a multi-year project. The Advisory Committee also discussed later trains on weekend nights, but there are no plans as of now.

Mr. Glennon, as liaison to the Open Space Committee, told the Board that the Committee voted to support two Special Town Meeting articles: one for the land purchase of the Ricker bogs and another to increase the CPA surcharge to 3 percent. He said the Board of Health also shared information about PFAS at the meeting, which will be relevant in the future for density issues.

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Mr. Glennon also told the Board that the Simmons Farm working group put out an RFP, and only received one bid that was rejected because of the terms.

Mr. Ryan told the Board the Planning Department has been getting numerous calls about a letter received by residents of Dogwood Drive, telling them there would be multiple days that they would not be able to access their houses while the developers are doing top coat paving. He spoke to the building commissioner and they determined that there is a provision in the subdivision decision which states that access to houses be maintained at all times. Mr. Ryan spoke to Pat Brennan, Amory Engineers, and they determined it would be reasonable to limit the restriction to overnight on the day of paving so cool temps allow the pavement to set properly.

Mr. Ryan said the developer would be willing to limit the restriction to overnight, but would like a “pass” from the Board if the road is damaged from residents driving on it because the road is not set. Mr. Ryan said overnight is reasonable. Mr. Glennon said the subdivision decision was issued years ago and the developer is well aware of the conditions. He said the developer must comply with the decision as written, which does not allow closing the road to residents.

ADMINISTRATIVE ITEMS:

ZBA Case #2022-22: 47 Railroad Avenue

Mr. Casagrande said the application meets the accessory apartment bylaw. Mr. Glennon said this application will help diversify the housing stock in Town, which is among the goals of the Comprehensive Plan.

Motion: Mr. Glennon made a motion to recommend favorably to the ZBA the special permit application for 47 Railroad Avenue. Ms. Turcotte provided a second.

Vote: Mr. Glennon – Aye; Ms. Turcotte – Aye; Mr. MacDonald – Aye; Ms. Rappe – Aye; and Mr. Casagrande – Aye.

September 12, 2022 Minutes

Motion: Ms. Turcotte made a motion to approve the minutes of September 12, 2022 as written. Mr. MacDonald provided a second.

Vote: Ms. Turcotte – Aye; Mr. MacDonald – Aye; Ms. Rappe – Aye; Mr. Casagrande – Aye; and Mr. Glennon abstained.

103 Depot Street (Duxbury Animal Hospital) ASPR As-Built Plan

Dan Hebert, owner of Duxbury Animal Hospital, was in attendance to discuss the project. Dr. Hebert confirmed the location of the dumpster on the site.

Mr. Casagrande noted that curb stops are missing. Dr. Hebert discussed difficulties they had with installing curb stops at the site.

Mr. Glennon said he is not be in favor of approving the as-built plan without the proper parking delineation. He noted that because the lot is gravel, individual parking spaces cannot be identified with typical paint striping. He said that without visual cues, it would be difficult for customers to know where to park, which would complicate on-site traffic and inhibit the Board's goal of maximizing off-street parking. The Board and the applicant discussed different options for curb stops at the site. Dr. Hebert explained that they are having trouble coming up with a solution that will last through the winter and they would like to implement a more permanent solution.

The Board suggested that the applicant install temporary curb stops, and then install a more permanent solution in the future. Mr. Ryan said the Board could approve the current as-built plan, conditional on the installation of curb stops and then have the applicant come back for reapproval in the Spring. The applicant agreed with this process. He thanked the Board for the temporary accommodation.

Motion: Ms. Turcotte made a motion to approve the request for as-built approval, conditioned on installation of curb stops, submittal of pictures to the Board within 60 days as confirmation, and the applicants must return for reapproval in Spring 2023. Ms. Rappe provided a second.

Vote: Mr. Glennon – Aye; Ms. Turcotte – Aye; Mr. MacDonald – Aye; Ms. Rappe – Aye; and Mr. Casagrande – Aye.

McLean's Way Street Acceptance Plan

The developer of the subdivision/petitioner, Emil Reinhalter, was in attendance to discuss the petition.

Mr. Casagrande noted that in the past, roads accepted through the subdivision process were to remain private roads. He said any private road has the right to petition the Selectboard and Town Meeting to be accepted as a public way. However, it is the position of the Planning Board that in order for the Board to recommend approval of the road as a public way, there should not be any waivers attached to it, so it is clear that it meets the standards put forth in the Subdivision Rules & Regulations.

Mr. Glennon recalled the stormwater and drainage system being intricate, including rain gardens and easements going over private properties. Ms. Turcotte said the waivers were granted by the Board with the expectation that the way would remain private.

Mr. Casagrande said the Board generally recommends that a road not be approved as a Town way when there were waivers approved, but that does not mean that the Selectboard will not recommend approval as well. Ms. Turcotte reiterated that the Planning Board is not the street acceptance authority in Town.

Dr. Reinhalter disagreed with the Board's stance, since the waivers were approved by the Board during the subdivision approval process.

Mr. Ryan said any recommendation that comes out of this meeting is necessary for the Board of Selectmen to put the petition on the warrant for the October Special Town Meeting. He advised the applicants that if they desire the Planning Board's recommendation of approval, more extensive research will need to be conducted regarding why the approval of the waivers. This would likely push the item to the March Annual Town Meeting due to time constraints.

Mr. Ryan noted that the DPW Director did not wish to provide any comments on the petition before the meeting. The Board discussed that it is important to hear from the DPW whether the Town has the ability to maintain the infrastructure.

Mr. Glennon expressed concern with maintenance of the stormwater infrastructure. He said if they had confirmation that the DPW is aware of, and did not object to, the maintenance requirements associated with accepting the way, he would be more comfortable recommending approval. The Board was reluctant to make a favorable recommendation without further information about the Town's ability to maintain the improvements. In an effort to accommodate the applicant, rather than making a negative recommendation due to the absence of further details, the Board discussed the possibility of deferring to the Selectboard. Procedurally, this will allow the applicant to proceed to the next steps in the process. The applicant agreed to this proposal.

The Planning Board agreed* to defer judgement to the Selectboard the issue of laying out McLean's Way as a public way as requested by the developer.

*While there was no formal vote, a consensus was reached by the Planning Board members present at the meeting.

Mr. Ryan left the meeting at 6:45PM for an appointment with the Selectboard.

Discussion

Mr. Casagrande said the Selectboard is having some informal discussions about a potential townwide 25MPH speed limit. The Board questioned the need for a townwide 25MPH limit and indicated that underlying traffic safety issues must be examined before it can be determined whether speed limit adjustments are appropriate.

The Board discussed a resident petition to the Selectboard to address safety concerns at the intersection of Tremont, Oak & Parks Street. Mr. Casagrande told the Board there is a growing number of accidents at the intersection, and there have been discussions about making it narrower. He said DPW's involvement will be the next step.

Mr. Glennon said it will be important for the business owners in the area, particularly those on the corners, to be included in the discussions. Mr. Glennon said he is glad the neighbors brought this issue forward. The Board said they support the residents looking into improving the safety of the intersection.

Zoning Recodification

The Board discussed their edits to the section of the current bylaw working document that they reviewed. Mr. Casagrande noted that in reading through his assigned section, there have been no wording changes to the document.

Mr. Casagrande told the Board to send their edits to Mr. Ryan by next Monday. He said the document will be ready to be distributed for public comment after all the Planning Board's comments are received. After the recodification is done, the Board can then start looking into policy changes that need to be made in the future. Mr. Glennon said the Board needs to make sure that the public is aware that what they will be voting on is not a new zoning bylaw, but rather a cleaner version of the current zoning bylaw.

Comprehensive Plan Implementation

Mr. Carpenter reminded the Board that this process began about a month ago after a joint meeting with the Selectboard. He and Mr. Uitti started working on splitting up the tasks for each group listed as the responsible party for each task. He said Mr. Uitti is working on getting the contact information together for the groups. Mr. Carpenter said there are 40 specific "owners" (departments or committees), which he is discussing with Mr. Ryan how to divvy out the tasks.

Mr. Carpenter said he spoke with Mr. Ryan on how to track the status of the different tasks. They are also looking into project management tasks. The Board thanked Mr. Carpenter for all his hard work.

Planning Director's Report

Comprehensive Plan

Ms. Rappe said there are a few questions in the Planning Director's report that the Board needs to respond to.

The first question asks about the difference between the Planning Board, Planning Department, and Land Use Boards or Departments as the lead. Mr. Glennon said for the tasks that are listed as

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the Planning Board's responsibility are tasks that the Board will do themselves, and tasks that are listed as Planning are the responsibility of Mr. Ryan and Ms. Hadley, reporting back to the Board. Mr. Casagrande said he is not sure MAPC and the former Planning Director had a specific intention with the differentiation. Mr. Casagrande said "Land use Boards and Committees" may need to be better defined as we start working on tasks.

Mr. Carpenter said he and Mr. Ryan have been working on determining "ownership" or who will be the group in charge of overseeing the task. He said there are four items that are considered "TBD" in terms of ownership. Ms. Rappe asked which groups are the Land Use Boards and Committees. Mr. Glennon said the Land Use Boards and Committees includes the Community Preservation Committee, Conservation Commission, Economic Advisory Committee, Open Space Committee, Sidewalk and Bike Path Committee, Planning Board, and the Town Historian.

Ms. Rappe posed to the Board the third question under the Comprehensive Plan Implementation Discussion section of the Director of Planning's Board Report, which asks:

"How do we wish to provide instructions or guidance to other boards and departments with a LEAD role or even a participant role? We should have specific communications for each category. Should we have a workshop and invite participants as a kickoff? As part of this instruction, we should emphasize further reading of the relevant section or sections that are associated with the action(s)."

Mr. Casagrande said the Board will start to get responses or requests for help after the letter to the Boards or Committees is sent out. Ms. Turcotte agreed that the letter will be the first step the process and then they can determine the rest of the process going forward.

Annual Report

Mr. Glennon told the Board that he submitted a redlined version of Planning's section of the Annual Town Report. He said he noted there was a vacancy on the Board from Ms. Ladd Fiorini leaving the Board and Ms. Rappe being appointed. He also added a new section to the Administrative Section discussing the former Planning Director's departure and the process of the hiring committee for hiring a new Planning Director. Staff will circulate the final draft to the Board for approval before submitting.

Other Business

Kathy Palmer, of Powder Point Ave, asked when the proposed zoning changes will be distributed to the public. Mr. Casagrande said they will be shared once the Planning Board is done with their internal review, within a few weeks.

ADJOURNMENT

Motion: Ms. Turcotte made a motion to adjourn at 7:36PM. Ms. Rappe provided a second.

Vote: Mr. Glennon – Aye; Ms. Turcotte – Aye; Mr. MacDonald – Aye; Ms. Rappe – Aye; and Mr. Casagrande – Aye.

Materials reviewed at the meeting:

- September 26, 2022 Agenda
- ZBA Case #2022-22: 47 Railroad Avenue
- Draft September 12, 2022 Minutes
- Memo from Merrill Engineers & Land Surveyors and Cavanaro Consulting RE: Request for As-Built Certificate Duxbury Animal Hospital 103 Depot Street Duxbury, MA 02332, dated September 16, 2022
- Plan entitled, “Duxbury Animal Hospital, 103 Depot Street Duxbury, MA 02332 As Built Site Plan,” prepared by DKW Architecture, 270 Bellevue Avenue #169 Newport, RI 02840 and Cavanaro Consulting, 687 Main Street P.O. Box 5175 Norwell, MA 02061; dated September 16, 2022; scale 1” = 20’; one sheet.
- Email from Pat Brennan, Amory Engineers RE: Duxbury Animal Hospital (103 Depot) ASPR – As-Built Plan Review, dated September 20, 2022
- Amory Engineers, P.C. Memo RE: Duxbury Animal Hospital, 103 Depot Street – Site Plan As-Built, dated September 20, 2022
- Selectboard Memo RE: Selectboard’s Notification to the Planning Board re: McLean’s Way as a Town Way, dated September 13, 2022
- Selectboard Memo RE: Layout of McLean’s Way as a Town Way, dated September 12, 2022
- Letter from Town Manager to McLean’s Way Applicant RE: McLean’s Way – Layout as Town Public Way, dated September 22, 2022
- Plan entitled “Street Acceptance Plan for McLean’s Way Duxbury, Massachusetts,” dated January 7, 2020, prepared by Grady Consulting, L.L.C.
- McLean’s Way Consent and Appointment of Successor Trustee
- McLean’s Way Homeowners Association Trust Trustee’s Certificate
- McLean’s Way Future Deed of Drainage Lot to be Conveyed to the Town
- Memo from Merrill Engineers & Land Surveyors and Cavanaro Consulting to Town Manager RE: McLean’s Way Definitive Subdivision Duxbury, Massachusetts, dated March 7, 2022
- Plans entitled “Subdivision As-Built Plan McLean’s Way Duxbury, Massachusetts,” dated April 13, 2020; prepared by Grady Consulting, L.L.C.; 2 sheets.
- Email from Town Manager regarding potential 25-mph speed limit and intersection of Tremont Street, Oak Street & Parks Street

