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DUXBURY, MASS.

# TOWN OF DUXBURY



## BOARD OF APPEALS

### DUXBURY BOARD OF APPEALS MEETING MINUTES

December 19, 2019 @ 7:30 p.m.

**ATTENDANCE:** Wayne Dennison, Judith Barrett, Kathleen Muncey, Freeman Boynton, Jr., & Emmett Sheehan

**CALL TO ORDER:** Judith Barrett, Chair Pro Tem, called the meeting to order.

**ZBA Case #2019-14, Duxbury Lincoln LLC, 0 Lincoln St. (CONT'D):** *The public hearing has been continued until January 23, 2020.*

**ZBA Case #2019-17 WB Builders, Fieldstone Farm, 1 & 25 Lincoln St:** *The Board voted to continue the public hearing until January 9, 2020.*

*Judith Barrett voted to adjourn the meeting. Wayne Dennison seconds. All in favor (5-0).*

## BOARD OF APPEALS — MINUTES

**Case No: 2019-14**

**Petitioner: Duxbury Lincoln LLC  
(Champion Builders)**

**Address: 0 Lincoln Street**

**Parcel #'s: 053-512-036 & 053-512-037**

**Date: January 9, 2020**

**(Cont'd from Nov. 6)**

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on ~~WEDNESDAY, November 6, 2019 at 7:30 p.m.~~, rescheduled from October 24, 2019, to consider the application of Duxbury Lincoln LLC for a Comprehensive Permit. The property is located at 0 Lincoln Street, Parcel No.'s 053-512-036 & 053-512-037 of the Duxbury Assessors Map, consisting of 21.52 acres in the Residential Compatibility District and owned by The Town of Duxbury. The Applicant proposes to construct twenty (20) single family homes – five (5) affordable, five (5) moderate and ten (10) market rate - that will meet the definition of low and moderate income housing under G.L. c. 40B, Sections 20-23.

**Members present:** Judith Barrett, Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., & Emmett Sheehan

**Members Voting:** Judith Barrett, Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., & Emmett Sheehan

- Judith Barrett opens the meeting, explaining that WB Builders case #2019-17 is continued to January 23, 2019 and then moves on to the next case
- Judith Barrett explains that Case #2019-14 is a continuation and that the town requested a peer review
- Judith Barrett continues Rick, did you get the report
- Rick Grady, Grady Consulting, states yes, I have had sufficient time, we will address the issues
- Judith Barrett reviews Amory Engineering's report and reads the comment on page 2, stating that under general law #3, requesting a waiver from local cond. She reads #4 & #5 and then reads the storm water considerations # 1 through 10 and on the utilities, she reads all (#1-3)
- Judith Barrett asks is anyone here from Amory Engineers
- Pat Brennan responds I will answer questions
- Rick Grady states since the last meeting, we've done a lot of work on the plan to be 70% open space. We were close at 66% before, but have tackled all of the lots to get to 70%. We conducted soil testing and found all sand and the only place we found ground water was...a question of natural gas and it doesn't exist now, but Mr. Dacey is in talks with Columbia Gas, we'd like to amend the waiver requests
- Judith Barrett states is the expectation that this will be a public way
- Rick Grady responds yes, we'd like ....
- Jeffrey Dirk of Vanasse Associates, who conducted the Traffic Study, states that this project is a low traffic generator for 20 homes. We really deal with traffic concerns.

Lincoln Street is 24 feet wide, 6,200 vehicles per day, but we focused on commuter hours starting at 4:20am southbound and in the evening it was about 500+ northbound and the characteristics of residential neighborhood. Lincoln Street is 40 MPH and we measured the speed of the average car and the average car was traveling 30 MPH. So, we look at the project doing about a 4% increase in traffic and that number will fluctuate depending upon the day i.e. Friday is busier. The key concerns is that to access properly designed from Lincoln Street including vehicles like Fire, adequate line of the site-and proceeds to give examples. So at 40 MPH you need to see a vehicle at 305 feet and this analysis confirmed that there is more than enough, sometimes 500. We recommend trimming some vegetation in the area of the site triangle and consider landscaping be at about 2.5ft which accounts for 1 foot of ...

- Wayne Dennison states #'s in multiple, # pulling out and looking south
- Jeffrey Dirk states 200 or 100
- Kathleen Muncey states there is a dip in the road on the north side, did you take that into account
- Jeffrey Dirk states yes, consider eye are 3.5ft about pavement and with that it's 3.5 to 2 feet along Lincoln. The dip is not significant enough to cause loss of site line.
- Emmett Sheehan states how do you come up with 20
- Jeffrey Dirk replies with a transporter and then you use a simple calculation, using data collected over 50 years. Even recently, it's gone down and with monitoring
- Freeman Boynton Jr. states does the number of bedrooms come into play
- Jeffrey Dirk states no, not unless it's age specific housing
- Emmett Sheehan states my house is an anomaly
- Jeffrey Dirk responds yes, not all 20 houses will have two trips per day
- Rick Grady states I'll continue, they added a street light at the intersection, we staked the driveway out and we found that Grady is well shielded and Arkin's may be more susceptible to ground lights. We'd be happy to help with suggesting vegetation to screen lights
- Freeman Boynton Jr. states are you able to work around State Variances for septic systems
- Rick Grady replies yes, we broke it down and we meet all
- Freeman Boynton Jr. states zone 2
- Rick Grady states yes, we'll submit to zone 2
- Walter Sullivan states that's all we had, thank you
- Judith Barrett asks if anyone has any comments or questions
- Pam Reed, 477 Lincoln Street, states I logged a complaint and I'm concerned with how they'll monitor the 100 foot buffer and we're already in my driveway unloading
- Scott Lambiase states it was sent to my office and it was the only safe access
- Wayne Dennison states why get to use the property
- Freeman Boynton Jr. states on an easement
- Pam Reed states I was told it was a 100 foot buffer that day, it was tough for me to see getting out and they just showed up and I don't see where they cleaned up-who will maintain the 100 foot buffer
- Wayne Dennison states trees

- Pam Reed states the unloaded in my driveway and went down-you cannot do a side by side on the driveway
- Wayne Dennison states will you point on the driveway
- Rick Grady responds the existing easement here and he did back into the driveway and I checked and I think he did a good job. Moving forward, he cleared the area for access next time. The buffers will be maintained
- Wayne Dennison states what is the degree of vegetation that was disturbed to get to the site
- Rick Grady states machinery is big, did have to remove trees and we chose the least disruptive path
- Wayne Dennison states how consistent is that with the 100 foot buffer, to clear trees first
- Rick Grady states it's standard operating procedure to clear land
- Judith Barrett states buffers are not always forested and the issue is there is a separation of activity on site to the rest of the neighborhood
- Rick Grady states we're okay with the buffer and we're okay with a condition for that
- Judith Barrett states yes, defer to the neighborhood
- Rick Grady states yes and the Applicant agrees
- Bob Reed, 477 Lincoln Street, could you please expand on the people in my driveway, they did the same thing on the way in and out, then came through the woods again and knocked down trees on the way out. I asked the excavator, who told you to do this and he said it was Champion Builders
- Kathleen Muncey asks one day or multiple days
- Bob Reed states it's deeded and no right to use without our permission
- Kathleen Muncey repeats the question, one day or multiple days
- Bob Reed states just one day, no use in the driveway, who will monitor that if not me
- Judith Barrett states we can make it a condition and if they violate it, it'll be violating the Comprehensive Permit; not sure how the article is worded
- Pam Reed hands town meeting document to Judith Barrett
- Judith Barrett reads from the Town Meeting warranted and explains to Pam Reed that the deed from article 9 was about
- Freeman Boynton Jr states the Applicant is hoping the road will be bought back by the town
- Matt Dacey, Champion Builders, states on the day we did the perc, there is only one safe way to do it and there will be a disruptive say when we begin, we'll probably do a police detail and we will try to give notice with this. They reached out and the town let us know. We sent a guy out right away. We'll be able to flag off a buffer area in the future. Any questions
- Judith Barrett states can you give us a construction management plan
- Matt Dacey states certainly and you can condition that
- Emmett Sheehan asks how many bedrooms
- Matt Dacey stated we'd prefer to do a four bedroom septic on each lot but if somebody wants to do a two bedroom...
- Rick Grady states we'll do four bedroom per lot
- Judith Barrett states any other questions

- Melody Cheeney, 478 Lincoln Street, states I asked about where the driveway would be located, as accidents happen and one did hit a telephone pole today. I think twenty cars is low
- Jeffrey Dirk states twenty cars is peak, 7:00am-8:00am is peak time and if I plotted a two hour period you may get more
- Freeman Boynton Jr. states twenty cars per hour not day
- Kathleen Muncey asks where is the telephone pole
- Melody Cheeney points out the telephone pole on the map and she states poles are not set back correctly
- Jeffrey Dirk states I think there will be a street light near the driveway and the light will help
- Freeman Boynton Jr. asks does the pole come into play with the site lines
- Jeffrey Dirk responds no, it doesn't
- Judith Barrett asks any comments....No
- Judith Barrett asks about the revised plans, right? Is there a timeline
- Rick Grady states the plans are ready now. He continues to request that the Board close the hearing, make Pat's letter conditions and think this'll bring this to a construction level
- Judith Barrett states the problem is if we close the hearing, the Public can't comment
- Walter Sullivan states we have a P&S with a closing date and we're trying to get that extended (12/31/2019) and we'd like to get back here ASAP for the town
- Judith Barrett states I'd like a construction management plan too and there is a question of if the buffer zone will need to be deeded back to the town
- Matt Dacey states I think we get 100% then, when we complete and deed back to the town with a condition
- Judith Barrett states I don't think the Town can do that without the Selectman and Town Meeting
- Matt Dacey states or we can keep open space restrictions
- Walter Sullivan states treat it like a road
- Emmett Sheehan states the design review board mentioned sidewalks and I disagree
- Matt Dacey states no sidewalks were proposed
- Emmett Sheehan states I don't think sidewalks are good for a small subdivision
- Pat Brennan states that Paddock subdivision on Alden Street had to add sidewalks; Kevin Sealund proposed doing sidewalks in subdivisions
- Freeman Boynton Jr. asks Pat Brennan are sidewalks necessary for a subdivision
- Judith Barrett asks Jeffrey Dirk if sidewalks are necessary or not
- Jeffrey Dirk states it's always good to provide sidewalks. The thought is families and four bedroom homes, there is a bus stop at the end of Lincoln Street and they need a sidewalk
- Wayne Dennison states they are small lots and have a reduced space with sidewalks
- Jeffrey Dirk states it would not be unsafe in the area, it's a contained development and would be safe, low volume, low speed
- Judith Barrett asks could you show where the sidewalks would go
- Discussion on dates
- Judith Barrett asks is January 9, 2020 okay

- Judith Barrett continues we need a Peer Review from Amory Engineers with technical issues researched
- Freeman Boynton Jr. states are there any other issues with 60-80 bedrooms overall
- Judith Barrett states no, only their Title V's
- Judith Barrett asks Walter Sullivan, inquire with Town Counsel about the open space
- Walter Sullivan states yes, and I'll report that in writing to ZEO
- Judith Barrett asks any other questions
- Bob Reed states how do you propose to delineate the construction area from open space
- Judith Barrett states that is why we are asking for a construction management plan
- Judith Barrett states Rick should we make a recommendation
- Freeman Boynton Jr. makes a motion to continue the Public Hearing to January 9, 2020
- Emmett Sheehan seconds
- All in favor

**Motion: It was moved, seconded and unanimously voted to continue the Public Hearing until January 9, 2020.**

**Moved by: FB**

**Seconded by: ES**

**Number in favor: 5**

**Number opposed: 0**