



Town of Duxbury Massachusetts Planning Board

Approved 10/25/2017

TOWN CLERK
2017 OCT 26 AM 11:35
DUXBURY, MASS.

Minutes 09/27/2017

The Planning Board met on Wednesday, September 27, 2017 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room.

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

Absent: No one was absent.

Staff: Valerie Massard, Planning Director; and Diane Grant, Administrative Assistant.

Mr. Casagrande called the meeting to order at 7:00 PM.

OPEN FORUM

Open Space Plan: Mr. Glennon, who serves as Planning Board representative to the Open Space Committee, reported that the 2017 Open Space Plan has received conditional approval from the Commonwealth of Massachusetts. He praised the work of Open Space chair, Ms. Kathy Cross, and member Ms. Pat Loring.

Community Preservation Committee (CPC): Ms. Ladd Fiorini, who serves as Planning Board representative to the CPC, announced that applications are being accepted through October 16, 2017 for potential Community Preservation Act funded projects for Town Meeting 2018.

Envision Duxbury: Ms. Massard reported that thanks to volunteer efforts from the Comprehensive Plan Update ambassadors, Planning Board, and Town Hall, school and library staff, over 800 residents have now completed surveys, which represents approximately five percent of the town's population. She noted that surveys can be filled out (either online or paper copies) and submitted by October 20. Residents can find the Envision Duxbury survey on the town's web site, and even school-age children can complete the survey. She announced that the date of the community outreach public meeting has been changed to November 15, 2017. More details will be announced.

INITIAL PUBLIC HEARING, DEFINITIVE SUBDIVISION (RE-ADVERTISEMENT): 0 & 232 SURPLUS STREET / JRM INVESTMENT REALTY LLC

Mr. Casagrande opened the public hearing at 7:06 PM. Mr. Casagrande recused himself from the discussion.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Wadsworth provided a second, to waive the reading of the public hearing notice and correspondence list, both of which are on file at the Planning Office.

VOTE: The motion carried, 6-0-1, with Mr. Casagrande abstaining.

Correspondence list for the record:

- Email from V. Massard to J. Cully et al dated 07/28/17 re: Surplus Street (re-advertisement required)
- Waiver of Timelines signed by M. Cully and stamped with Town Clerk on 08/24/17
- Public hearing notice stamped with Town Clerk on 09/01/17, mailed to certified abutters on 09/06/17, and published in the Duxbury Clipper on 09/06/17 and 09/13/17

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

- Emails between P. Palmieri and V. Massard et al dated 09/11/17 re: 232 Surplus Street (attendance not required at public hearing)
- Email from V. Massard to S. Clifford et al dated 09/11/17 re: Nash Road (with attachment: example of SHPO deed restriction)
- Email from V. Massard to 'John/heather' et al dated 09/20/17 re: Nash Road – extension of timelines / continuation of Wednesday's hearing
- Email from J. Cully to V. Massard dated 09/21/17 and stamped with Town Clerk on 09/21/17 re: Nash Road – extension of timelines / continuation of Wednesday's hearing.

Ms. Massard reported that no changes have been proposed to the Definitive Subdivision plan that the Planning Board approved on July 26, 2017. The public hearing had to be re-advertised due to a flaw in the original public hearing notice. Ms. Massard stated that the applicant has requested to continue the public hearing in order to sort out other issues.

Mr. Glennon asked if the Planning Board will be able to act within the deadline for the original Definitive Subdivision application, and Ms. Massard replied that the applicant has signed a waiver of timelines and the decision date has been extended to mid-December. Mr. Bear asked if any site work has begun, and Ms. Massard answered, "No."

MOTION: Mr. Bear made a motion, and Ms. Turcotte provided a second, to continue the public hearing for 0 & 232 Surplus Street / JRM Investment Realty 2010 LLC to October 25, 2017 at 7:15 PM.

VOTE: The motion carried 6-0-1, with Mr. Casagrande abstaining.

Later during the meeting Mr. Bob Merry of 226 Surplus Street asked to address the Planning Board. He asked if the proposed plan is available for public review, and Ms. Massard replied that the proposed plan is available for viewing at the Planning Office during Town Hall business hours. She noted that the project has already had three public hearings, and this public hearing is to correct a flaw in the original advertisement.

CONTINUED PUBLIC MEETING, MODIFICATION OF ADMINISTRATIVE SITE PLAN REVIEW: 438 WASHINGTON STREET & 23 MATTAKEESET COURT / DUXBURY YACHT CLUB

Ms. Massard reported that the applicant has requested to continue the public meeting while the engineer sorts out some issues. She noted that the applicant has requested the next available Planning Board meeting, and she suggested that the Planning Board consider continuing the public meeting to October 11, 2017, just prior to the Comprehensive Plan Update presentation.

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to continue the public hearing for Modification of an Administrative Site Plan Review for 438 Washington Street & 23 Mattakeeset Court / Duxbury Yacht Club, to Wednesday, October 11, 2017 at 7:01 PM.

VOTE: The motion carried unanimously, 7-0.

ANR PLAN OF LAND: 0 LAUREL STREET (DUXBURY) / ALVEY & OLD OCEAN STREET (MARSHFIELD) / WILLS

Present for the discussion was Mr. Greg Morse of Morse Engineering Company in Scituate. Ms. Massard stated that the Planning Board is requested to endorse a Land Court plan that the Marshfield Planning Board has already endorsed. She noted that from existing Lot 3 (Alvey) and Lot 4 (Wills), new Lots 7 and 8 will be created. New Lot 7 will be conveyed to Ms. Alvey, and new Lot 8 is the remainder of Lot 4. Both lots transect the Duxbury/Marshfield town line, and the new property line between Lots 7 and 8 is intended to approximately follow the town line.

Mr. Casagrande asked the applicant's engineer, Mr. Morse, to present the plan. Mr. Morse stated that Mr. Wills owns 22.5 acres of land on the Marshfield / Duxbury line, and he intends to convey 3.2 acres to Ms. Alvey. Mr. Morse stated that there will be no new buildable lots. Ms. Turcotte asked about the lot numbering, and Mr. Morse explained that Land Court draws the plans and names the lots.

Mr. Glennon stated that for conveyance lots he prefers to see tie lines making clear which land is to be conveyed to which owner. He also requested that language in the plan's notes should be changed from "lots" to "L.C. Lots" to reflect that the lots are Land Court (L.C.) lots and not buildable lots, noting that typically they are referred to as "parcels" instead. He noted that this change would make the references on the plan and in the notes consistent.

Mr. Morse stated that Land Court does not add tie lines. Mr. Glennon stated that when he clerked for the Land Court he reviewed plans with tie lines regularly. Mr. Morse stated that Land Court re-draws the plan and numbers the lots. Ms. Massard stated that it appears the Mr. Morse is following proper Land Court procedures. Mr. Glennon stated that tie lines would make the intention of the plan clear in the future as would the reference to "L.C. Lot" instead of "lot." Mr. Morse stated that Land Court had already reviewed the plan and did not require any changes.

Ms. Massard stated that the applicant has agreed to correct a typographical error on the plan in Note 1 for the mylar.

Mr. Bear stated that he sees Mr. Glennon's point because the Land Court lots could be mis-interpreted in the future as buildable lots. Ms. Massard stated that from the Town of Duxbury's perspective that would never happen because Town Hall staff would refer to minutes.

Mr. Casagrande noted that Land Court Lot 7 has no frontage. Mr. Morse pointed out that the plan includes the statement that "Planning Board endorsement of this plan does not certify compliance with Zoning Bylaws." Ms. Casagrande stated that he sees merit in both sides.

Ms. Massard stated that she had met with the applicant, the Marshfield Town Planner, and the engineer, and noted that the applicant has been waiting some time for this plan. Ms. Massard noted that the plan has gone through Land Court and she is not sure that the Land Court would agree to add the tie lines.

Mr. Glennon stated that in the future minutes should not have to be referenced in order to figure out the intention of an ANR plan. Instead the applicant should endeavor to make everything clear on the ANR plan itself.

MOTION: Ms. Ladd Fiorini made a motion to continue the discussion regarding an ANR Plan of Land entitled, "Plan of Land, Showing a Division of Lot 4 as Shown on L.C. Plan No. 3475D, Parcel F07-02-02, Old Ocean Street Marshfield, Parcel 049-020-004 Laurel Street, Duxbury, Massachusetts," dated May 12, 2017, prepared by Morse Engineering Co., Inc., P.O. Box 92, Scituate, MA 02066, stamped and signed by William J. McGovern, PLS on May 12, 2017, scale 1"=60' in order to allow time for the applicant to modify the plan as discussed at tonight's meeting.

Ms. Massard noted that the Planning Board cannot continue this ANR. Ms. Ladd Fiorini withdrew her motion. Mr. Glennon suggested that the applicant could withdraw its application without prejudice and resubmit it. Mr. Morse stated that he has not been required to add tie lines on any other Land Court plans and noted that each lot is referenced on a separate Land Court Certificate. Ms. Massard discouraged the Planning Board from requiring tie lines for this reason.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Bear provided a second, to endorse an ANR Plan of Land entitled, "Plan of Land, Showing a Division of Lot 4 as Shown on L.C. Plan No. 3475D, Parcel F07-02-02, Old Ocean Street Marshfield, Parcel 049-020-004 Laurel Street, Duxbury, Massachusetts," dated May 12, 2017, prepared by Morse Engineering Co., Inc., P.O. Box 92, Scituate, MA 02066, stamped and signed by William J. McGovern, PLS on May 12, 2017, scale 1"=60' as not requiring approval under Subdivision Control Law.

DISCUSSION: Mr. Uitti agreed that in a perfect world the note would match the plan; however, the intention appears to be clear enough for Land Court lots. He encouraged that future applications should make sure to match the plan notes to the plan and add tie lines.

VOTE: The motion carried, 5-2, with Mr. Glennon and Mr. Wadsworth voting against.

Planning Board members endorsed the ANR mylar and two paper copies.

CONTINUED PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW: 295 SAINT GEORGE STREET / ROBBIE

ZBA REFERRAL, SPECIAL PERMIT: 295 SAINT GEORGE STREET / ROBBIE

Present for the discussion was the town's consulting engineer, Mr. Patrick Brennan of Amory Engineers. Planning Board members agreed that it would make sense to review both the Planning Board Administrative Site Plan Review (ASPR) and the Zoning Board of Appeals (ZBA) special permit referral concurrently.

Mr. Casagrande noted that a lighting plan and a landscape plan were not submitted with the Planning Board's application but they have been included in the ZBA referral packets. Ms. Ladd Fiorini asked if the abutter, Ms. Marjorie Mayo of 291 Saint George Street, had seen the landscape plan and if she has any issues with it. Ms. Mayo responded that she had not seen the landscape plan but she has sent a letter to Mr. Robbie, the applicant, giving permission for him to remove an electrical pole on her property.

Mr. Glennon asked if Mr. Brennan is satisfied that the applicant has addressed all the issues Mr. Brennan raised in his peer review letter dated September 11, 2017, and Mr. Brennan responded that he is satisfied. Mr. Glennon asked about issues that Mr. Brennan had raised about the need for bathrooms in a storage building, and providing the use to make sure that the parking and septic design are adequate. Mr. Glennon added that he is concerned with running water in an unheated building. Mr. Brennan stated that the applicant's representative, Mr. Freeman Boynton of Duxbury Construction, had assured him that the storage building will be only for seasonal use, and the water will be turned off during the winter months. Mr. Brennan also noted that the Board of Health had approved the septic design for this property.

Ms. Ladd Fiorini expressed her concern that the office space design on the first floor of the main structure shows a full kitchen and a full bath, noting that it looks like a living space. Mr. Glennon noted that the office space design is in addition to the actual living space that is shown on second floor on the plan. Ms. Massard stated that the office space is designed to allow employees to wash up. Ms. Ladd Fiorini questioned why a tub, shower, range and stove are needed. Mr. Casagrande noted that it is allowable in the Neighborhood District. Ms. Massard added that the design may allow flexibility for future conversion, and any change in use would require a special permit. Mr. Glennon stated that he would be concerned if it is used as a two-family dwelling, and Ms. Massard replied that use as a two-family dwelling would require a special permit. Mr. Wadsworth noted that there may be a difference in parking requirements for a domicile versus an office, and Mr. Casagrande stated that a domicile would require less parking than the office use that is proposed here.

Mr. Casagrande invited public comment and there was none.

MOTION: Mr. Glennon made a motion, and Mr. Uitti provided a second, to APPROVE an Administrative Site Plan Review for 295 Saint George Street / Robbie with conditions to be drafted by the Planning Department staff and plans to be revised by the applicant to address remaining issues outlined in an Amory Engineers letter dated September 11, 2017.

VOTE: The motion carried unanimously, 7-0.

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MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to recommend APPROVAL to the Zoning Board of Appeals for Special Permit #2017-08, to change the use from residential to mixed-use, at 295 Saint George Street / Robbie, with a request that the Zoning Board of Appeals reference the Planning Board's Administrative Site Plan Review in its decision.

DISCUSSION: Mr. Bear asked if the landscape plan would be part of the Administrative Site Plan Review decision, and Ms. Massard replied that the Planning Board decision could reference the landscape plan that is part of the ZBA referral packet. Ms. Massard noted that the abutter, Ms. Mayo is working with Mr. Robbie and Mr. Juliano of the abutting commercial property, to make sure that there is a buffer of plantings along the property lines.

VOTE: The motion carried unanimously, 7-0.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: 1065 SUMMER STREET / TEDESCHI

Mr. Casagrande opened the continued public hearing. Present for the discussion was the applicant, Mr. Matthew Tedeschi of Duck Berry LLC, and his representative, Mr. Rick Grady of Grady Consulting. Also present was the town's consulting engineer, Mr. Patrick Brennan of Amory Engineers. Ms. Turcotte did not participate in the discussion because she had missed two public hearings and therefore was not part of the quorum for this topic.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to waive the reading of the correspondence list which is on file at the Planning Office.

VOTE: The motion carried unanimously, 6-0.

The correspondence list for the record:

- Cover letter from Grady Consulting dated 09/06/17 and revised plans dated 09/06/17
- Letter from D. Grady of Grady Consulting to PB dated 09/07/17 re: Waivers requested
- Emails between V. Massard and R. Grady et al dated 09/06/17 – 09/11/17 re: Summer Street / Tedeschi – unexpected plan revisions just received
- Letter from P. Brennan of Amory Engineers dated 09/18/17 re: 1065 Summer Street – Definitive Subdivision (review of revised plans dated 09/06/17)
- Email from P. Brennan to V. Massard et al dated 09/18/17 re: Email with attached letter noted above
- Draft Certificate of Notification
- Email from V. Massard to R. Grady et al dated 09/21/17 re: Draft Conditions Summer Street (with attachment)
- Email from D. Grant to J. Turcotte dated 09/25/17 re: Mullin Rule
- Telephone message from P. Borg to V. Massard dated 09/25/17 re: Request for abutter's remote participation in continued hearing on 09/27/17.

Planning Board members reviewed plans dated September 6, 2017 that had been submitted too late for review at the last public hearing. Ms. Massard noted that the remaining issues are water, neighbor concerns, and Board of Health.

Ms. Massard reported that she had spoken with Ms. Tracy Mayo, Health Agent, and had shared draft conditions with the applicant. Ms. Massard distributed list of waivers requested by the applicant for which she had created proposed language to include in the decision:

- Requirement for sidewalks
- Radius at street intersection of less than 30 feet
- Stormwater drain line with less than 2' 6" of cover
- Less than 50 foot buffer between basins.

Ms. Massard also proposed that the Planning Board consider adopting a condition regarding the applicant's latest proposal to connect to Town of Duxbury municipal water. The condition, proposed by the applicant's representative, Mr. Rick Grady of Grady Consulting, would make it clear that if the municipal service is not connected, private wells shall meet water pressure standards outlined in Mr. Grady's letter dated August 14, 2017 (Section 1 under Utilities).

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Ms. Massard noted that she is also proposing a condition regarding the amount of fill which is estimated at approximately 300 truckloads in order to build the roadway and create housing lots. She proposes that the hours of operation should be restricted to between 7:00 AM and 5:00 PM and no more than ten truckloads per day. She also recommends that the applicant consider coordinating with school bus routes and post signs for highway safety.

Mr. Glennon asked if there are any prohibitions on soil types to be used for the roadway, and Ms. Massard replied that soil fill type is stipulated in the Subdivision Rules & Regulations.

Ms. Massard also recommended that a note should be added to the final subdivision plans that the septic design shown is conceptual and subject to review by the Board of Health under a separate filing. She noted that septic in fill is reviewed by an outside engineer on behalf of the Board of Health and individual systems are proposed.

Mr. Glennon noted that there may be a considerable amount of tire tracks with the number of trucks and dirt being moved, and asked if a tire wash station should be required. Ms. Massard replied that a construction plan will be reviewed with staff prior to any site work.

Mr. Bear asked about well location, and Ms. Massard replied that the Planning Board is not approving the location of septic or wells, and the locations shown on the subdivision plans are conceptual and will be permitted separately by the Board of Health. She noted that the lots will not be released for conveyance until adequate water supply is demonstrated for residential use and fire protection. Ms. Ladd Fiorini stated her concern that the septic systems might affect the abutting neighbors with private wells. Mr. Grady noted that the neighbor's well has been added to the subdivision plan on Sheet 8.

Mr. Glennon asked about the waiver requested that would allow less than a fifty-foot buffer of vegetation between drainage basins. Mr. Patrick Brennan of Amory Engineers, the town's consulting engineer, responded that there is a 43-foot strip of existing trees that may be about as much as they can keep.

Ms. Lisa Betteridge of 68 Eagles Nest Road stated that she is a former member of the town's Agricultural Commission. She asked if the town's aquifer flows under these parcels and what impact a development of that intensity would have on the aquifer. She noted that the town draws from the same water whether private or town water. Mr. Wadsworth responded that the Town of Duxbury created an Aquifer Protection Overlay District (APOD) in order to protect the public water supply, but none of the land on this proposed subdivision is within that zoning district. Ms. Massard added that the Board of Health regulates private wells.

Ms. Ladd Fiorini expressed concern that the proposed waiver to extend the roadway beyond 1,000 feet may be viewed by future subdivision applicants as a precedent. She noted that she had stated her concerns at an earlier Planning Board meeting in July. She stated that her preference would be for fewer lots with a roadway in compliance. Mr. Grady stated that ten lots could be created without extending the roadway beyond 1,000 feet; however, lengthening the roadway would allow the existing structures to be razed and will allow lots at a greater distance from wetlands. He noted that it would be a detriment to create lots closer to the wetlands. Mr. Bear stated that he had considered this issue also and had concluded that extending the roadway would allow for clearer lot configurations instead of irregularly shaped lots. Mr. Uitti read the purpose of the Town of Duxbury Subdivision Rules & Regulations from Section 1, noting that one goal is to protect natural resources, and in this case the requested waiver certainly meets that criteria.

Mr. Uitti noted that Ms. Ladd Fiorini has raised a good point on setting precedents and stated that the Planning Board decides on conditions and waivers on a case by case basis and waivers should not be considered precedent. Mr. Wadsworth agreed, noting that any waiver for a particular project must show public benefit in order to be granted by the Planning Board.

Mr. Bear asked if there will be a turnaround at the end of the cul-de-sac, and Mr. Grady replied that the applicant proposes a conventional cul-de-sac that fully conforms with Subdivision Rules & Regulations.

Mr. Wadsworth asked if concrete pipes are appropriate to be covered with three feet of soil, and Mr. Brennan responded that a different pipe with better reinforcement will be used. Mr. Wadsworth asked if it might be an issue if heavy trucks are traveling over the pipes, and Mr. Brennan replied that it should not be a problem.

Mr. Wadsworth asked about the quality of fill underneath the roadway, and Mr. Brennan responded that fill requires a sieve analysis that is guided by Subdivision Rules & Regulations, and his office will inspect the soil quality during construction. Mr. Glennon asked if the applicant is expected to provide bills of lading showing where the soil is from, and Mr. Grady responded that it is typically not required because the town's consulting engineer does spot checking on the soil quality. Ms. Massard added that fill on the lots would be inspected by the Building Inspector. She added that the contractor is liable so there is no benefit to requiring the source of fill.

Mr. Wadsworth stated that a condition could be added that Amory Engineers would review every truckload with a sieve analysis, and Mr. Brennan explained the process of performing spot compaction tests. He stated that if an area fails a compaction test, the contractor would need to remove the soil and re-install it with proper material, so it is in the applicant's best interest to make sure that proper soil is used.

Ms. Massard noted that Mr. Tony Kelso, Town Historian, has provided recommendations for street names. She noted that Mr. Tedeschi, the applicant, also has a suggestion. Mr. Tedeschi stated that he would like to name the road "Bear Way" after his dog. Ms. Ladd Fiorini asked if Mr. Tedeschi had spoken with Mr. Kelso about this name, and Mr. Tedeschi replied that he had not. Ms. Ladd Fiorini stated that street names usually reference a natural feature or historical significance.

Ms. Massard suggested that the Planning Board could provide a name subject to Town Historian approval. Mr. Casagrande asked if Mr. Tedeschi had any name preferences, and Mr. Tedeschi stated that he does not care in terms of "Street," "Road," or "Way." Mr. Bear stated that the Planning Board would rather use an historic reference and said that he would prefer to use a reference to the recent use. Mr. Glennon stated that his preference is to not use a lot of words in the street name. He questioned whether Bear Way is an appropriate street name.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Uitti provided a second, to close the public hearing for the Definitive Subdivision at 1065 Summer Street / Tedeschi.

VOTE: The motion carried 6-0-1, with Ms. Turcotte abstaining.

Therefore the public meeting closed at 8:22 PM. The Planning Board then addressed requested waivers.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Uitti provided a second, to approve the waivers for the Definitive Subdivision at 1065 Summer Street / Tedeschi as presented by the Planning Director at tonight's meeting.

VOTE: The motion carried 5-1-1, with Mr. Wadsworth voting against and Ms. Turcotte abstaining.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Uitti provided a second, to approve a Definitive Subdivision for 1065 Summer Street / Tedeschi with conditions as presented in a draft Certificate of Notification and as presented by the Planning Director at tonight's meeting, with the road name of Bear Way subject to the approval by the Town Historian, Mr. Tony Kelso, and if not the Planning Board will defer to Mr. Kelso's suggested name.

DISCUSSION: Mr. Uitti suggested that the applicant and Town Historian should come up with a name for Planning Board consideration. Ms. Massard offered that the Planning Board could approve a street name at a future public meeting.

VOTE: The motion carried 6-0-1, with Ms. Turcotte abstaining.

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CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: EVENTIDE, 0, 397, 401 & 405 WASHINGTON STREET / DIAMOND SINACORI

Mr. Casagrande opened the continued public hearing at 8:27 PM. Present to represent the applicants was Atty. Robert W. Galvin. Also present was Mr. Patrick Brennan of Amory Engineers, the town's consulting engineer.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to waive the reading of the correspondence list which is on file at the Planning Office.

VOTE: The motion carried unanimously, 6-0.

The correspondence list for the record:

- Emails between V. Massard and R.W. Galvin et al dated 09/19/17 – 09/21/17 re: Proposed draft conditions – edits (with attachment)
- Draft Certificate of Notification
- "Chapter 91: The Massachusetts Public Waterfront Act" MA DEP document dated September 2003
- Emails between F. Holden and D. Grant et al dated 09/19/17 – 09/25/17 re: Planning Board Record information for the Diamond/Sinacori subdivision plan
- Email from D. Grant to J. Turcotte dated 09/25/17 re: Mullin Rule (with attachment)
- Emails between T. Kelso and M. Diamond et al dated 09/20/17 - 09/27/17 re: Street name for new neighborhood
- Mullin Rule certification signed by J. Turcotte and stamped with Town Clerk on 09/26/17

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Ms. Massard stated that the draft conditions for Planning Board consideration tonight were reviewed by Town Counsel, Mr. Brennan, and the applicant's representatives: Atty. Robert W. Galvin and Mr. Brad McKenzie of McKenzie Engineering. She noted that the name "Clapp Road" was agreed upon today by the Town Historian, Mr. Tony Kelso, and the applicant. She distributed changes to the draft decision suggested by Atty. Galvin. She clarified that Town Counsel had reviewed only the Chapter 91 component of the decision.

The Planning Board reviewed draft conditions with suggested edits by Atty. Galvin as distributed at tonight's meeting. Comments on the draft decision:

- Plan Modifications: Ms. Massard noted that the language regarding the consistency of the grading to maintain the drainage design was mutually agreed upon and will also apply to future building permits.
- Plan Modifications: Regarding a note on the Lotting and Grading Sheet listing items that are not under Planning Board purview, Mr. Glennon noted that Mr. McKenzie had stated at the last meeting that the retaining walls shown were for illustrative purposes only.
- Proposed Significant Trees: Ms. Ladd Fiorini asked about language which appears to allow for "suitable substitutions" of proposed replacement plantings. Ms. Massard responded that most of the site will be severely disturbed but every attempt will be made to preserve large trees and this condition also refers to a landscaping plan, so allowing substitution is standard due to the need to use available nursery stock that is similar in caliper and size. Ms. Ladd Fiorini suggested rephrasing the language in this condition so that it is clear that substitutions may be allowed for landscaping but not for mature trees.
- Hours of Operation: Ms. Massard reported that the applicant has agreed to restrict site work on the roadway and drainage to Monday through Friday from 7:00 AM to 5:00 PM. She noted that these hours of operation do not include house construction.
- Boathouse: Mr. Bear asked if the boathouse could be part of a recreation area, referencing an older practice in Subdivision Control where the Planning Board could require that one building lot be set aside for three years in case the homeowners choose to build a recreation area. Ms. Massard responded that this practice was found to be ineffective and it is not suitable for this project. Mr. Bear asked if the Homeowners' Association will be responsible for the boathouse and waterfront, and Ms. Massard replied that there will be no common land and any structure would be accessory to a primary dwelling on the lot, but could be share with others by easement.

Ms. Massard addressed the Chapter 91 licensing that was brought up at the last meeting. She reported that Mr. Joe Grady, Conservation Administrator, attended Chapter 91 training today and he brought back information which they reviewed. She noted that the site does not have a Chapter 91 license and so the information shared by Mr. Grady will come into play when the applicants apply for this license, which they must do. She stated that uses for the Chapter

91 license will be related to a single family home(s) and she has no knowledge that the site contains filled wetlands. She stated that when a Chapter 91 license application is filed, then the Planning Board would hold a public hearing if public access is deemed to be required by the Department of Environmental Protection. She stated that for now the Planning Board will include a reference in the decision that state Chapter 91 requirements must be met.

Mr. Uitti suggested that language could be revised to state more clearly that the applicant shall apply for all Chapter 91 licenses or meet the requirements of Chapter 91 and timing of this process. Ms. Massard mentioned that some discussion with the applicant had been relative to adding that this condition would need to be satisfied prior to lot release. Atty. Galvin stated that the applicant realizes that they will definitely need a Chapter 91 license to make reasonable improvements. Ms. Massard asked if the applicant would agree to a condition for no lot release of individual lots connected to the license, and Atty. Galvin responded, "Probably."

Ms. Massard stated that according to the applicant, the advertising group working for the applicant is not excited about "Clapp Road," the name recommended by Mr. Tony Kelso, Town Historian; however, the applicant is not interested in continuing the public hearing in order to finalize the street name. She suggested that the Planning Board could consider one more meeting to allow time for the applicant to discuss the name with Mr. Kelso.

Mr. Glennon stated that he does believe one more meeting is needed because he is not prepared to vote on a decision that has not been finalized yet and he would like to see the final decision before the Planning Board votes. Ms. Massard encouraged the Planning Board members to consider not continuing the public hearing because the next meeting will be taken up by the Comprehensive Plan. Mr. Casagrande suggested that the matter could be hammered out between the applicant, staff and Town Counsel. Mr. Glennon stated that he would like to see the final decision, noting that the Planning Board is just seeing draft revisions tonight and they need time to review them. Ms. Ladd Fiorini stated that she would be willing to stay later at a future meeting to address this matter. Mr. Glennon noted that the Planning Board stays late on many occasions.

Atty. Galvin stated that the applicant, Mr. Merrill Diamond of Diamond Sinacori, has stated that he is okay with the proposed road name. Ms. Massard noted that Mr. Diamond indicated so in an email sent this afternoon. Mr. Glennon provided his feedback on the name Clapp Road, noting that public safety dispatchers may have trouble understanding "Clapp" over the phone. He suggested that other names could be considered in order to avoid unnecessary confusion. Ms. Massard noted that Mr. Kelso does check with public safety officials when considering street names.

Mr. Casagrande stated that if Mr. Kelso and the applicant are okay with Clapp Road he does not have any problem with voting on conditions tonight. Ms. Massard stated that only minor wording changes are proposed. Mr. Uitti stated that he agrees with Mr. Glennon and he would prefer to see the final decision before voting. Atty. Galvin stated that the applicant is waiting for approval in order to get to the next stage with the property owners, Battelle Laboratories. He added that the Planning Board approval is the most important permit to his client and he would like to get it done as soon as the Planning Board is ready.

Mr. Casagrande stated that he trusts the staff to get the decision issued correctly. Mr. Glennon stated that the staff's ability is not in question. However, mistakes happen and it is worth one final review by the Planning Board. Mr. Wadsworth agreed with Mr. Glennon, stating that he prefers to see one final package on this important site. Mr. Uitti stated that he understands why the Planning Board is just getting an edited version of the draft decision tonight, and he also agrees with Mr. Glennon that there should be a final review of the decision.

Mr. Casagrande asked if Planning Board members would prefer to close the public hearing tonight, and Mr. Bear stated that it would be fair to do so because there would be no changes to the proposed plan. Mr. Casagrande invited the public any last comments before closing the public hearing.

Ms. Sheila Lynch-Benttinen of 344 West Street asked if the road might change based on the outcome of the Historical Commission's current review of whether the houses along Washington Street are deemed significantly historical, and Mr. Casagrande replied that the road cannot change except through a modification of the Definitive Subdivision, and the Planning Board has no purview over tearing down of the existing homes.

Mr. Sherm Hoyt of 51 Abrams Hill asked about the continued public hearing date.

MOTION: Mr. Glennon made a motion, and Ms. Turcotte provided a second, to close the public hearing for the Eventide Definitive Subdivision, 0, 397, 401 & 405 Washington Street / Diamond Sinacori.

VOTE: The motion carried unanimously, 7-0.

Therefore the public hearing closed at 9:05 PM.

MOTION: Ms. Turcotte made a motion, and Mr. Glennon provided a second, to continue the Planning Board discussion regarding the Eventide Definitive Subdivision, 0, 397, 401 & 405 Washington Street / Diamond Sinacori to Wednesday, October 11, 2017 at 7:05 PM for review of draft conditions.

VOTE: The motion carried unanimously, 7-0.

PLANNING DIRECTOR REPORT

Comprehensive Plan Update: Ms. Massard reported that she has been pleased to see the *Duxbury Clipper* running reminders about completing the Envision Duxbury survey. She stated that at the next Planning Board meeting there will be a work session with the Planning Board, Metropolitan Area Planning Council (MAPC) and volunteers. Ms. Massard stated that the survey is the biggest piece of the Comprehensive Plan, and Mr. Casagrande added that the results will inform future zoning changes. Ms. Massard noted that the first topics addressed by MAPC will be Housing, Existing Conditions, Cultural and Historic Resources and Natural Resources.

Other Planning Director Projects: Ms. Massard reported that she is preparing a bid request to issue for updating zoning maps, and KP Law, the firm that serves as Town Counsel, is guiding the process of Zoning Bylaw recodification. Ms. Massard reported that she is also working with MAPC on the Climate Resiliency Plan, the Hazard Mitigation Plan, and the Green Communities application. She noted that she is unable to take on any more projects at this time because she has reached her limit. She noted that she has asked for an additional planner in this year's budget request, as in last year's, as requested by the Planning Board and the Town Manager has said no as no new positions are being added this year per the Finance Director's request. Mr. Casagrande stated that the Planning Board backs Ms. Massard's request for more staff. Ms. Massard stated that she is pleased with her interactions so far with KP Law, and their responsiveness has been excellent.

OTHER BUSINESS

Meeting Minutes:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Wadsworth provided a second, to approve meeting minutes of September 13, 2017 as amended.

VOTE: The motion carried 6-0-1, with Ms. Turcotte abstaining.

Engineering Invoices:

MOTION: Mr. Wadsworth made a motion, and Ms. Ladd Fiorini provided a second, to approve the following Horsley Witten invoices related to Duxbury Yacht Club:

- Invoice #41298 dated July 31, 2017 in the amount of \$1,723.75
- Invoice #41432 dated September 4, 2017 in the amount of \$805.00.

DISCUSSION: Mr. Glennon commented on the principal engineer's hourly rate of \$185.00, and Ms. Massard noted that Mr. Nelson is the senior member of a firm that is an international expert on water quality issues.

VOTE: The motion carried unanimously, 7-0.

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

TOWN CLERK
OCT 26 AM 11:36
DUXBURY, MASS.

MOTION: Mr. Uitti made a motion, and Ms. Turcotte provided a second, to approve the following Amory Engineers invoices dated September 5, 2017:

- Invoice #14753A in the amount of \$1,104.00 for services related to 295 Saint George Street ASPR
- Invoice #14753B in the amount of \$2,104.50 for services related to Eventide Definitive Subdivision
- Invoice #14753C in the amount of \$172.50 for services related to Millbrook Station ASPR
- Invoice #14753D in the amount of \$1,518.00 for services related to 1065 Summer Street Definitive Subdivision.

DISCUSSION: Mr. Glennon commented that Mr. Brennan's hourly rate of \$138.00 seems reasonable.

VOTE: The motion carried unanimously, 7-0.

ADJOURNMENT

The Planning Board meeting adjourned at 9:25 PM. The next Planning Board meeting will take place on Wednesday, October 11, 2017 at 7:00 PM at the Duxbury Town Hall, Mural Room.

MATERIALS DISTRIBUTED

- Public hearing notice for 232 Surplus Street Definitive Subdivision
- Emails between V. Massard and J. Cully dated 09/20/17 – 09/21/17 re: extension of timelines for 232 Surplus Street
- Revised plan dated 09/12/17 re: Duxbury Yacht Club ASPR Modification
- Letter dated 09/20/17 from M. Nelson of Horsley Witten Group re: DYC ASPR Modification
- PB minutes of 08/09/17 re: DYC ASPR Modification
- ANR application and plan for 0 Laurel Street & Old Ocean Street / Alvey & Wills
- Assessor's property card for 0 Laurel Street
- Cover letter dated 09/06/17 from F. Boynton of Duxbury Construction Co. with attachments re: 295 Saint George Street
- Revised plans dated 09/05/17 re: 295 Saint George Street ASPR
- Letter from P. Brennan of Amory Engineers dated 09/11/17 re: 295 Saint George Street ASPR
- ZBA referral materials for 295 Saint George Street
- Assessor's property card for 295 Saint George Street
- Letter from J. Robbie dated 09/02/17 re: Briefing support of the petition meeting criteria in 906.2
- Electrical Plan and supporting documentation for 295 Saint George Street submitted to PB on 09/20/17
- Elevation drawings for 295 Saint George Street submitted to PB on 09/20/17
- Cover letter from D. Grady of Grady Consulting to PB dated 09/06/17 re: 1065 Summer Street revised plans
- Letter from D. Grady of Grady Consulting to PB dated 09/06/17 re: Waivers requested for 1065 Summer Street
- Revised plans dated 09/06/17 for 1065 Summer Street Definitive Subdivision
- Letter from P. Brennan of Amory Engineers dated 09/18/17 re: 1065 Summer Street
- Draft Certificate of Notification for 1065 Summer Street Definitive Subdivision
- Email from V. Massard to R. Grady et al dated 09/21/17 re: 1065 Summer Street connecting to Town Water
- Email from T. Kelso to M. Tedeschi et al dated 06/22/17 re: 1065 Summer Street proposed street name
- Draft Certificate of Notification for Clapp Road Definitive Subdivision
- Email from V. Massard to B. McKenzie et al dated 09/21/17 re: Draft conditions for Clapp Road
- Email from T. Kelso to M. Diamond et al dated 09/20/17 re: Street name
- Chapter 91, The Massachusetts Public Waterfront Act flyer by Massachusetts DEP
- HW invoice #41298 dated 07/31/17 re: DYC ASPR Modification
- HW invoice #41432 dated 09/04/17 re: DYC ASPR Modification
- Amory Engineers invoice #14753A dated 09/05/17 re: 295 Saint George Street ASPR
- Amory Engineers invoice #14753B dated 09/05/17 re: Clapp Road Definitive Subdivision
- Amory Engineers invoice #14753C dated 09/05/17 re: Millbrook Station ASPR
- Amory Engineers invoice #14753D dated 09/05/17 re: 1065 Summer Street Definitive Subdivision
- Draft PB minutes of 09/13/17
- ZBA decision re: 113 Tremont Street / Hamori

Distributed at Meeting

- 1065 Summer Street waivers distributed by V. Massard
- Draft Certificate of Notification for Clapp Road Definitive Subdivision with applicant edits

TOWN CLERK
2017 OCT 26 AM 11:36
DUXBURY, MASS.