



# Town of Duxbury Massachusetts

## Planning Board

TOWN CLERK  
2021 JUN 15 AM 9:18  
DUXBURY, MASS.

### Minutes 5/24/2021

The Planning Board met on May 24, 2021 at 5PM. This meeting was conducted remotely via zoom video call due to COVID-19.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. Viewers can visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) for information about Duxbury programming. To watch replays of a meeting, visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) or to watch online visit PACTV's Video on Demand at [www.pactv.org/ondemand](http://www.pactv.org/ondemand).

### **DURING THE PUBLIC HEARING, MEMBERS OF THE PUBLIC WERE PERMITTED TO JOIN THE ZOOM MEETING USING THE INFORMATION BELOW:**

**Zoom Video Link:** [www.zoom.us](http://www.zoom.us) click "Join a Meeting"

**Zoom Phone Link:** 1-929-436-2866

**Meeting ID:** 867 2189 7572

**Password:** 179068

Every effort was made to ensure that the public could adequately access the proceedings to the best of our technical abilities; and despite our best efforts due to lack of technical infrastructure, this meeting will be available on PACTV to view a video recording and a transcript or other comprehensive record of proceedings as soon as possible after the meeting.

Public phone in-access was available during this meeting at 781-934-1100 x5475. Public email access was available during this meeting at [duxburyplanningboard@gmail.com](mailto:duxburyplanningboard@gmail.com). The public was able to watch the zoom webinar by using the following login information:

Present: Scott Casagrande, Chair; Brian Glennon, Vice Chair; Keith MacDonald, Clerk; Jennifer Turcotte; David Uitti; and George Wadsworth.

Absent: None.

Staff: Valerie Massard, Planning Director; and Emily Hadley, Administrative Assistant.

Mr. Casagrande called the meeting to order at 5:01PM.

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## Open Forum

Ms. Massard said the Planning Board needs to schedule a joint-meeting with the Board of Selectmen to fill the vacancy on the Planning Board. She asked the Board members if preferred to meet on June 7<sup>th</sup> or June 21<sup>st</sup>. Mr. Casagrande told the Board to think about their availability and get back to Ms. Massard within the next few days.

Mr. Glennon said he attended a webinar hosted by MIAA about Town Board/Committees' Code of Conduct on May 12<sup>th</sup>. He said they encourage Towns to adopt code of conduct policies for Boards/Committees, which include refraining from aggressive behavior, making sure to attend meetings to reach a quorum, etc. It's likely that towns may adopt a policy as a whole, rather than each board or committee within the town adopting its own.

Mr. Glennon said there is a lot of important information on the Town's website on the Planning Department and Planning Board pages. He asked Ms. Massard the differences between the two pages and whether it is necessary to have them contain different information. Ms. Massard said staff currently keeps typical Planning Board activity information on the Board's page and other projects that the Planning Department is involved in on the Department's webpage. Mr. Casagrande said staff could look into providing a link to the other webpage at the top of each page, Ms. Massard pointed out that those links are "built in" to the page landings by the software but have to be scrolled down to see them usually.

## Administrative Items

Motion: Mr. Glennon made a motion to release the remaining escrow funds plus accrued interest back to the applicant for Bay Farm Montessori (ASPR), approve KP Law, P.C. invoice #129313 in the amount of \$123.00, and approve minutes from May 10, 2021 as written. Mr. Uitti provided a second.

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

## ZBA Referral, Special Permit: 6 Upland Road (ZBA Case #2021-14)

Mr. Glennon noted the permit is for the raze and rebuild of a garage, and he asked why the garage cannot conform to setbacks and what the difference in height is between the existing and proposed structures. Jessica Williams, Duxbury Design, said there is not another location on the property to place the garage which is at the end of the existing driveway and already in close proximity to the house. She said a tree fell on the roof of the existing structure, so they are rebuilding. She said they gave back on the setbacks a little bit. The new structure is about 3 to 4 feet taller than the existing structure. There is a legal apartment in the garage, so they needed to obtain a special permit.

Motion: Mr. Glennon made a motion to defer judgement to the ZBA for the special permit application at 6 Upland Road. Mr. MacDonald provided a second.

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

**ZBA Referral, Special Permit: 184 Marshall Street (ZBA Case #2021-16)**

Mr. Glennon asked about the height difference between the existing garage and the proposed relocated garage. Eric Pontiff, applicant, said the height is increasing from 12.5 feet to 21 feet at the ridge.

Motion: Ms. Turcotte made a motion to defer judgement to the ZBA for the special permit application at 184 Marshall Street. Mr. MacDonald provided a second.

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

**Public Hearing: 334 & 340 St. George Street Subdivision (Fine Road)**

The public hearing was opened at 5:20PM.

Mr. Uitti read the public hearing notice.

Mr. Uitti recused himself from the hearing, since his law firm has represented the applicants in the past.

Ms. Massard said Amory Engineers has reviewed the application and plans submitted. The applicant omitted a request for waivers, they are planning on submitting an alternate steeper grading plan, and they did not submit a waiver request for sidewalks, but they should tie into the sidewalks on St. George Street but this sidewalk is not included on the plan. Ms. Massard suggested that they do not spend too much time reviewing this because the plan will change significantly with the revised grading plan. Mr. Casagrande said they could continue the public hearing to the next meeting. Rick Grady, Grady Consulting, said he would like to give a brief presentation about the project since he is in attendance.

Mr. Grady said he did not want to submit revised grading plans to the Planning Board early on in the review process. He said the proposed plans conform to the Subdivision Rules and Regulations. He said they met with the Development Review Team and they have a review letter from Amory Engineers.

Mr. Grady said there are two existing homes on the property, with six homes being proposed at the site. The site has a low area in the lower right at about 42 feet, and a high point of about 84 feet. They plan on using the existing low area for drainage.

Mr. Grady said the current plans show the road with a six percent grade. They think a ten percent grade is reasonable and would reduce the amount of cut and fill for the project, and Police and Fire Departments said ten percent is the maximum slope they would be comfortable with for

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emergency vehicle access. He said a good example of a road with a ten percent grade is Hillside Lane. They will be revising their plan to show a ten percent grade. He said they will be using Town water, individual septic systems, and they will be adding sidewalks to the plans. Mr. Grady said Colleen and Adam Fine, the applicants, are in attendance as well.

Mr. Glennon asked what waivers the applicants are requesting, if any. Mr. Grady said they are requesting a waiver to increase the maximum grade from six to ten percent. Mr. Casagrande asked if they have considered water infiltration being dealt with at the cul-de-sac and decreasing the drainage area by St. George Street. Mr. Grady said it would not make a substantial difference in the size of the proposed drainage area abutting the street. Mr. Casagrande asked if the drainage basin may show from St. George Street over time. Mr. Grady said the drainage basin will be vegetated, with grass and trees along the street. Mr. Casagrande asked if there will be anything in the Homeowner's Association regarding maintaining this buffer. Mr. Grady said he will discuss that with the applicants.

Mr. Glennon asked Mr. Grady if he could estimate the cut-and-fill volume for each of the proposed slopes. Mr. Grady said for the six percent slope, they would cut about 60,000 cubic yards of material, and for the ten percent slope, they would cut about 40,000 cubic yards. Mr. Casagrande said some of the lots will be allowed to keep their elevation with the ten percent grade.

Ms. Turcotte said she lives on Hillside Lane and she is in favor of the ten percent slope. Mr. Glennon asked Ms. Turcotte if there are any issues in the winter with ice and Ms. Turcotte said there have not been any issues.

Jessica Williams, resident of 1243 Tremont Street, said she is an abutter of the site in the back left-hand corner. She said she is interested in sustainable architecture, so she would rather see the ten percent slope for the road. She asked if the applicants intend to build the houses. Mr. Grady said the applicants are not intending to build the lots, they will sell them to another builder. He said there is no architecture design, the homes drawn on the plans are for visualization purposes only. Ms. Williams asked if the applicants will be creating a Homeowner's Association for the subdivision, which would include rules about clear-cutting and possibly the design. Mr. Grady said that condition is standard for subdivisions.

Ms. Williams asked if there is any consideration for a reduction in the number of proposed lots and said she is an advocate for fewer houses. Mr. Grady said he is about 80 percent sure it will be six lots, but they are still determining the feasibility of relocating the house at 334 St. George Street. Ms. Williams also suggested that the applicants try to make the houses close to net zero if possible and keep the open space buffers. Ms. Williams asked if there are some restrictions on the land. Mr. Grady said yes, there were restrictions on the land from around the 1920s, but it has expired.

John Duffy, resident of 1221 Tremont Street, asked Mr. Grady to clarify that there will be some revisions to the plan and the buildings shown on the plans are just representative of possible homes. Mr. Grady confirmed. Mr. Duffy asked if there will be design specifications for the

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homes that are built on the site and Mr. Grady said that will be spelled out in the Homeowner's Association. Mr. Glennon pointed out that much of the proposed disturbance to the land is directly abutting Mr. Duffy's property. Mr. Grady estimated that with the six percent slope, there will be about 3,000 truckloads of earth disturbed and with the ten percent slope, there will be about 1,480 truckloads of earth disturbed. He said half of the disturbance will be for roadway construction and the other half for building homes on the individual lots. Ms. Massard asked if the applicants are willing to make repairs to the roadway if there is damage caused by heavy trucks leaving the property. Mr. Grady said it is within the Planning Board's rights to require this.

Mr. Casagrande said the public hearing will need to continue since the applicants will be submitting a revised plan.

Motion: Mr. Glennon made a motion to continue the public hearing to Monday, June 28<sup>th</sup> at 5:15PM. Ms. Turcotte provided a second.

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

### **MVP Grant – Task 2 Update**

Ms. Massard said the Town has been working with the Woods Hole Group on the Municipal Vulnerability Preparedness (MVP) Grant. She said Woods Hole Group will present their final results in June, and thanked Mr. Famely for being in attendance to present the interim report.

Joseph Famely, of Woods Hole Group, gave a brief summary of what has been done for the grant so far and the preliminary results of their model. The study will show the likelihood of assets owned by the Town (and businesses in Snug Harbor) becoming inundated as a result of sea level rise and storm surge at different points in time. The final report for this grant will be available in June 2021.

Mr. Glennon asked whether inland areas of the town are also at risk, as it will be important for the Planning Board to have an understanding of long-range concerns that may exist beyond the immediate coast. Mr. Famely indicated that there is some work being done on groundwater intrusion, that is not in their current model or CZM model of wetlands migration. He said to the extent that sea level rise pushes tidal influence inward on the surface, that data is included in the model and will be discussed with the results. Ms. Massard said she is looking at whether the impacts of stormwater during a rainfall event can be modeled. She said the Town is surveying culverts town-wide, and they are trying to build in flooding scenarios to determine when culverts will back up.

The Planning Board thanked Mr. Famely for his presentation and said they are looking forward to the final presentation.

### **Keene's Mill Village (Proposed 40B) Site Eligibility**

Mr. Casagrande said there is no application yet in the Town for a 40B development at this site. Ms. Massard said the Town received notice of an application for site eligibility for the project with the State. There will be a public discussion at an upcoming Selectmen's meeting. Ms. Massard said the Planning Board needs to give their comments to the Selectmen before the June 17 deadline with the state.

The applicants' attorney, Chris Alphen of Blatman, Bobrowski & Haverty LLC, said the applicant filed an application with MassHousing for site eligibility, and the State needs comment from the Board of Selectmen to continue. He said the project proposes 28 units on two vacant parcels on North and Keene Streets behind an existing home. He said there are wetlands and hills in the front of the site. The proposed site will be split up into sectors: a sector of 8 units to the North, and a sector of 20 units to the South. They propose cottage-style, single-family homes with sidewalks connecting the units. 7 of the units are proposed to be affordable and will be randomly assigned throughout the site.

Ms. Turcotte said it is not clear where the septic system and leaching fields will be located. The water table is relatively high here as evidenced by the wetlands and soil type – and nutrient loading is a concern: consideration of additional nitrogen treatment, such as FAST system, and demonstration of adequate water pressure and flow, should be addressed with the filing of the comprehensive permit application.

Ms. Massard said the applicant should perform a traffic study at the site to explore impacts of increased traffic and make recommendations/mitigation for safety, and to document /mitigate safe sight lines and stopping distances for the site, if needed. Ms. Massard said landscaped buffering to the nearest neighbors is encouraged, while maintaining the rural character of the landscape, to the extent feasible.

Mr. Glennon and Mr. Casagrande encouraged the applicant to increase the number of affordable or moderately-priced units to help meet the demand in Duxbury and Massachusetts, and to design to make the development accessible and age-friendly for seniors, as there is a great demand for senior-friendly alternative housing in Town. Mr. Wadsworth asked if the applicants considered rental units, and Mr. Alphen said they think ownership units makes the most sense for the site.

Ms. Turcotte said she likes the architectural renderings.

Motion: Mr. Glennon made a motion to provide these comments above to the Board of Selectmen. Ms. Turcotte provided a second.

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

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### Other Business

Ms. Massard asked if staff's current process of sending agenda materials works for the Board members. Mr. Casagrande said he is okay with staff emailing agenda materials and also mailing the plans in hard copy.

Mr. Casagrande said the Board should discuss in-person meetings as an item on the next agenda. Ms. Massard said the Town is waiting for guidance from the State on how to proceed with meetings.

Mr. Glennon asked Ms. Massard if the age-friendly design meeting is still taking place tomorrow evening, and Ms. Massard said it will be moved to June 8.

### ADJOURNMENT

Motion: Mr. MacDonald made a motion to adjourn at 6:44PM. Ms. Turcotte provided a second.

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

*The next Planning Board meeting will take place on Monday, June 14, 2021 at 5:00 PM via Zoom.*

Materials reviewed at the meeting:

- ZBA Case #2021-14: 6 Upland Road
- ZBA Case #2021-16: 184 Marshall Street
- Bay Farm Montessori: Memo RE: Escrow Account & Memo RE: Lawsuit
- KP Law, P.C. Invoice #129313
- Draft Minutes May 10, 2021
- Public Hearing Notice: 334 & 340 St. George Street Subdivision
- 334 & 340 St. George Street Subdivision: Subdivision Plan, Application & Checklist, Environmental Impact Assessment & Evaluation, Stormwater Management Design Calculations, Pre-Development & Post-Development Catchment Plans
- MassHousing Letter to Board of Selectmen RE: Proposed 40B – Keene's Mill Village