



Town of Duxbury Massachusetts

Planning Board

TOWN CLERK
2021 JUL 28 PM 1:10
DUXBURY, MASS.

Minutes 7/12/2021

The Planning Board met on July 12, 2021 at 5PM. This meeting was conducted remotely via zoom video call due to COVID-19.

Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, 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 for information about Duxbury programming including streaming on Duxbury YouTube, to watch replays and Video on Demand. To watch replays of a meeting, visit www.pactv.org/duxbury or to watch online visit PACTV's Video on Demand at www.pactv.org/ondemand.

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 will be available 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. The public was able to watch the zoom webinar by using the following login information:

Zoom Video Link: www.zoom.us click "Join a Meeting"

Zoom Phone Number: 1 (929) 436-2866

Webinar ID: 828 2475 1888

Password: 010249

Present: Scott Casagrande, Chair; Keith MacDonald, Clerk; Kristin Rappe; David Uitti; and George Wadsworth.

Absent: Brian Glennon, Vice Chair; Jennifer Turcotte.

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

Mr. Casagrande called the meeting to order at 5:02PM.

*Some of the agenda items were taken out of order. These minutes reflect the order in which the Board reviewed the items.

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Open Forum

Mr. Casagrande told the public that Ms. Massard is the new Planning Director in Kingston. Ms. Massard started working for the Town of Duxbury in 2015, and she was instrumental in the completion of several projects, notably Envision Duxbury, the Comprehensive Plan. He thanked Ms. Massard for all her hard work. He said she will help finish a few projects for the Town in the interim before they find a new Planning Director. Ms. Massard said she is sorry to leave the Town, but she is glad to be working close by.

Administrative Items

Motion: Mr. MacDonald made a motion to defer to the Zoning Board of Appeals for cases #2021-19, #2021-20, #2021-21, and #2021-22. Ms. Rappe provided a second.

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

Motion: Ms. Rappe made a motion to release the remaining funds for Whitepine Lane, release Lots C and D from the Planning Board covenant for Dogwood Drive, and approve June 14, 2021 minutes as written. Mr. Uitti provided a second.

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

Minor ASPR Modification: 116 Tremont Street

The applicant proposed to replace the gravel parking areas shown on the site plans for the Administrative Site Plan Review at 116 Tremont Street with pervious asphalt. Ms. Massard said pervious asphalt has held up well at other sites where they have seen it. She said the areas the proposed locations of the asphalt are appropriate. She said it will look better than the gravel and it will not get destroyed by the traffic. Mr. Wadsworth said he has no objections. Mr. Casagrande said it is a simple change.

Motion: Mr. MacDonald made a motion to replace the proposed gravel parking lots with pervious asphalt. Mr. Wadsworth provided a second.

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

ANR Plan: 32 & 60 Long Point Lane

Peter Quigley, Bob Galvin, and Richard Hood were in attendance to discuss the ANR Plan. Ms. Massard said they are exchanging land before the second lot is sold. Mr. Casagrande also noted that there is a new easement line.

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Mr. Galvin said they are adjusting the lot line, adding land to Mr. Quigley's property, and some view easements are being granted. He said they are just asking the Board to approve the lot line adjustment.

Ms. Massard said Planning has been receiving good applications recently, and staff has been able to preview plans before an application is submitted.

Motion: Mr. Uitti made a motion to endorse the plan entitled "Plan of Land, 32 & 60 Long Point Lane Duxbury, MA," dated June 22, 2021, prepared by McKenzie Engineering Group, Inc. as not requiring approval. Ms. Rappe provided a second.

Vote: Ms. Rappe – Aye; Mr. Uitti – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; and Mr. Casagrande - Aye.

Discussion: Planning Board Meetings

Mr. Casagrande said they had planned to have the last meeting be the last remote meeting, but there were technical difficulties and they had to cancel the meeting. He said it could be a challenge, but they would like to keep the meetings start time at 5PM. Mr. Uitti said he is okay with that, but it may be difficult for him to get to Town Hall by 5PM after work. He said starting at 7PM was a little too late, but he suggested that they could start at 5:30 or 6PM. Mr. Casagrande said Board members can call into the meeting if necessary, but that can be difficult to deal with.

Mr. Casagrande said the next meeting will be in-person. Ms. Massard said the final presentation from Joe Famely, Woods Hole Group, on the Municipal Vulnerability Preparedness (MVP) Grant final results will be held at this meeting.

Ms. Massard said this meeting will be on July 19, and there will be no meeting on July 26. Mr. Casagrande said they will try to keep the Planning Board meetings at 5PM in the Mural Room going forward.

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

Mr. Casagrande noted that the applicants sent in revised plans. Ms. Massard said Ms. Rappe reviewed the materials under Mullin's Rule and completed the form, which they have filed with the Town Clerk, since she was not a Board member during the first public hearing for the subdivision. She can now vote during the public hearing.

Mr. Uitti reminded the Board that he recused himself from the first hearing, since his law firm has represented the applicants in the past, and will need to recuse himself from this hearing as well.

Rick Grady, Grady Consulting, said they met with the Board on May 24th and spoke about increasing the slope of the road to ten percent. They performed soils testing, and found that it is course and sandy. They revised the plans to increase the slope of the road from six to ten percent.

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He said this change will reduce the amount of earth removed by about 20,000 cubic yards. He said by the time it gets to the end of the cul-de-sac, it will reach the existing grade. He said they responded to all of Pat Brennan's, of Amory Engineers, comments in the letter dated April 23, 2021.

He said they are requesting four waivers. The first waiver is to increase the slope of the road to ten percent. The second waiver is for sag curves. They would like to reduce the k-value at the roadway entrance, bringing a negative grade off the existing intersection to prevent runoff. The third waiver is to waive the subdivision requirement to locate and draw on the plans trees larger than 12 inches in diameter in the Right of Way. He said there are not many trees in this area that are larger than 12 inches. The last waiver they are requesting is to reduce the size of the required buffer zones between the drainage basin and adjacent structures/uses from 50-feet to 20-feet. He said there is an existing low grade (about a three-foot deep depression off the roadway) where the drainage basins will be located. They will center the basin on the low area, and be able to keep the tree line behind it, reducing the amount of cutting required. He said they are proposing a significant evergreen buffer between the drainage basin and St. George Street, and this is shown on their detailed landscaping plan. Mr. Casagrande said they should make the evergreen buffer as substantial as possible, since the Board often gets complaints from abutters of developments about being able to see drainage basins from the roadway. Mr. Grady said the basin will be grass and there will be a lot of vegetation between the basin and the street.

Mr. Casagrande noted that the applicants are not requesting waivers for the street tree and sidewalk subdivision requirements. Mr. Grady said he thinks that is necessary for this site. Mr. Brennan said he submitted a review letter to the Board, and the applicants addressed all the comments except for one about the water supply. He said he knows the applicants asked the Water Department about a float test. He said the soils are great for infiltration, and he agrees with the sag curve waiver. Mr. Grady said he spoke to the Water Superintendent and they have reached out to a consultant for the tests.

Ms. Massard said the back end of the property abuts Wildlands Trust property. She asked if the applicants can put markers and bounds to differentiate the properties. Mr. Grady said there is an existing bound in the back and there are signs on trees at the Wildlands Trust land. Ms. Massard asked the applicants to consider putting an additional bound at the lot lines by the homes. Some of the land on the site may have encroached on Wildlands Trust land or vice versa.

Ms. Massard asked the applicants if they would consider a condition of approval to restore the roadway to its original condition before earth removal if any damage occurs from the traffic of large trucks.

Ms. Rappe thanked the developers for including a sidewalk on the plans. She asked if they had thought about adding a sidewalk on both sides of the road. Mr. Grady said the subdivision rules on require a sidewalk on one side of the road. He said they had originally proposed having the sidewalk on the East side of the street, but the West side of the street is better for sun exposure and ice melting in the winter.

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An abutter to the property Jess Williams, who lives at 1243 Tremont Street, thanked Ms. Massard for all of her hard work for the Town over the years. She asked the developers if there is any change to the layout other than the street slope change, such as the position of the houses. Mr. Grady said there is no change to the location of the houses, but the houses on the plans are just a schematic.

Ms. Williams asked if there will be any restrictions as to where houses can be built on the lots. Mr. Grady said the applicants are putting together a homeowner's association, so that is a condition that could be included in that agreement.

Ms. Williams asked if the Planning Board can provide any kind of buffer between the lots and the abutting properties. Ms. Massard said that for lots where a buffer can exist, the Board could make a condition that individual Administrative Site Plan Reviews be done for lots before they are issued building permits. Mr. Casagrande said there are existing houses to the East and the West of the properties. He said there is a nice buffer in the back in front of the Wildlands Trust. Mr. Grady said the houses will be situated relatively close to the subdivision road, based on the topography. He said the first two houses on the right side of the road and the second and third houses on the left side of the road will provide some buffers based on the topography of the land. Mr. Grady said Lots C and F will require a decent amount of grading, which will need a buffer, of arborvitae for example, from 20 to 30 feet of the lot line.

Ms. Massard asked if there will be a walking easement provided for the residents to walk from the road to the Wildlands Trust land. Mr. Grady said that is a good idea and they will look into it. Mr. Casagrande asked Ms. Williams if a natural boundary of trees is provided, would that be sufficient. Ms. Williams said she has her own natural buffer on her property that she intends to maintain, but whatever buffers can be provided on the subdivision land would make her happier. She said she would like the developers to maintain as many trees as possible. Ms. Williams said she thinks the plan looks good and she thinks it would be a good idea for the homeowners' covenant to suggest not cutting down all of the trees on the land.

Mr. Casagrande said it would be best for the applicants to have something in the homeowners' covenant say that the property owners should not cut down trees with about 20 or 30 feet of the side boundaries. Mr. Grady said he thinks that is a good approach.

An abutter to the project John Duffy, resident who lives at 1221 Tremont Street, said he would like the applicants to maintain buffers between the lots and existing homes that abut the property. Mr. Grady said that lends itself to previous conversations about the homeowners' association. They are planning to have a condition of the homeowners' association that any cut down trees are replaced with a vegetated buffer.

Mr. Wadsworth asked about the waivers they are requesting. Mr. Grady said they are requesting four waivers. Mr. Casagrande said they have already discussed the grade and the k-value waivers. Mr. Grady said the waiver for the drainage basin is waive the requirement to have a 50-foot natural vegetated buffer between the basin and the street. He said they are planning on pulling the basin closer to St. George Street to reduce earth work and they will provide a thick,

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vegetated buffer between the drainage basin and the street. Mr. Wadsworth asked why they are asking for a waiver on marking out the 12-inch trees in the roadway. Mr. Grady said most of the trees will have to come out anyways, and it is costly to have the surveyor mark out all the trees and draw them on the plan. He said they are not asking for the street tree waiver, and they are replacing many of the trees they are removing.

Ms. Williams said the property used to be known as “Cow Tent Hill” and there were a lot of grazing cows on the land. She said there is a lot of pine and the newer trees are maple. She said a lot of the oak and pine are not very large. Mr. Casagrande said he does not see a problem with that waiver. Mr. Wadsworth said as long as Amory is okay with the grading and the sag curve, he is okay with those waivers, but he would like the applicants to mark out the large trees, so they can see where the trees are located relative to the proposed roadway. Ms. Massard said the waiver is for drawing the trees on the plan, which would be costly and time-consuming. Mr. Wadsworth said he is more interested in a site visit to see where the trees are located.

Mr. Casagrande said they can schedule a site visit with Mr. Grady to show the centerline of the road. Mr. Grady said the centerline of the road is already staked and the front of the lot lines are staked, so a site visit can occur at any time convenient for Board members. Mr. Casagrande said he would like to see the covenants for buffers before final approval of the subdivision. Ms. Massard said the site visit should occur before the final approval as well.

Ms. Massard said staff will schedule the site visit with the Board members and Mr. Grady and they will continue the public hearing to the next Planning Board meeting. She said the applicants should submit draft covenants prior to the next meeting. Mr. Casagrande said they will continue this to the next meeting, and they can schedule it before the MVP Grant final presentation. Mr. Wadsworth said that site visits work best when there are several colleagues there that can bounce ideas off each other, so it would be best if as many Board members as possible come to the site visit.

Motion: Mr. Wadsworth made a motion to continue the public hearing to Monday, July 19, 2021 at 5:05PM in-person either in the Mural Room at Town Hall or at the Senior Center. Ms. Rappe provided a second.

Vote: Ms. Rappe – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; Mr. Casagrande – Aye; Mr. Uitti – abstained.

Other Business

Mr. Uitti thanked Ms. Massard for all her hard work behind the scenes, such as getting several grants for the Town. Ms. Massard thanked the Board for the opportunity to work with them and that working for the Town has been a great experience.

ADJOURNMENT

Motion: Mr. Uitti made a motion to adjourn at 6:09PM. Mr. Wadsworth provided a second.

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Vote: Ms. Rappe – Aye; Mr. Uitti – Aye; Mr. MacDonald – Aye; Mr. Wadsworth – Aye; and Mr. Casagrande - Aye.

The next Planning Board meeting will take place on Monday, July 19, 2021 at 5:00 PM in-person, location to be determined.

Materials reviewed at the meeting:

- ZBA Cases #2021-19, #2021-20, #2021-21, and #2021-22
- Whitepine Lane – Memo RE: Whitepine Lane Subdivision Accounts, Letter Requesting Refunds from three accounts for Whitepine Lane Subdivision from Eunkyung Yoon and Robert LoNigro
- Dogwood Drive – Draft Release of Lots C and D, Recorded Covenant dated September 25, 2019, Emails Between Tracy Mayo, Valerie Massard, Pat Brennan, and Rob Celiberti RE: Dogwood Drive Lot C & D, Potable Document Letters (Lots C & D), Certificate of Analysis Documents (Lots C & D), and MassDEP CRs (Lots C & D)
- June 14, 2021 Minutes
- Emails between Valerie Massard, Pat Brennan, Brownbuilt Construction and Duxbury Construction RE: 116 Tremont Street Change of Material dated June 17, 2021
- 32 & 60 Long Point Lane – ANR Application and Checklist
- Plan entitled “Plan of Land, 32 & 60 Long Point Lane Duxbury, MA,” dated June 22, 2021, prepared by McKenzie Engineering Group, Inc., 150 Longwater Drive, Suite 101 Norwell, MA 02061, and stamped and signed by Richard J. Hood, Registered Land Surveyor, on June 23, 2021, scale 1” = 50’, one sheet.
- Fine Road – Continued Public Hearing Notice (cancellation of June 28th meeting), Grady Consulting Letter RE: Definitive Subdivision Plan 334 & 340 St. George Street Response to Review Engineer Comments Applicant: Colleen & Adam Fine dated July 2, 2021, Grady Consulting Response to Amory Engineers Review Comments dated April 23, 2021, Revised Environmental Impact Assessment and Evaluation Statement, Pipe Calculations, Revised Stormwater Management Design Calculations, Revised Pre-Development and Post-Development Catchment Plans, Emails between Valerie Massard, Rick Grady, and Tony Kelso RE: Road Name Recommendations, Emails between Valerie Massard and Rick Grady RE: Buffers, Bounds, Road Names, Letter from dated May 28, 2021, Amory Engineers Review Letter dated July 6, 2021
- Plan entitled “Definitive Subdivision Plan Fine Road (#334 & #340 St. George Street) Duxbury, Massachusetts,” dated March 30, 2021 and revised through July 2, 2021, prepared by Grady Consulting, L.L.C., 71 Evergreen Street Suite 1 Kingston, MA 02364, and stamped and signed by Timothy Bennett, P.L.S. and Richard Grady, P.E. on July 2, 2021, scale 1” = 40’, 9 sheets,
- KP Law eUpdate – “Extension of Pandemic-Related Relief Relative to Municipal Operations” dated June 17, 2021