



# Town of Duxbury Massachusetts Planning Board

TOWN CLERK  
2023 SEP -7 PM 2:53  
DUXBURY, MASS.

## Minutes 7/24/2023

The Planning Board met on July 24, 2023 at 6:00PM in the Large Classroom, second floor, Duxbury Senior Center; 10 Mayflower Street Duxbury, MA 02332.

Pursuant to Chapter 2 of the Acts of 2023, this meeting was conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Members of the public who wish to watch a replay of the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) for information about Duxbury programming including streaming on Duxbury YouTube, to watch replays and Video on Demand.

Present: Kristin Rappe, Vice Chair; Keith MacDonald, Clerk; Wayne Dennison; Jennifer Turcotte; and David Uitti.

Absent: Scott Casagrande, Chair; and Allison Shane.

Staff: Christopher Ryan, Planning Director.

Ms. Rappe called the meeting to order at 6:01PM.

### Open Forum

Noone from the Board, staff, or public brought anything forward during Open Forum.

### Administrative Items

Ms. Rappe asked Mr. Ryan if he was satisfied with the information provided regarding the work performed for the invoices. Mr. Ryan responded that both Vanasse and Associates, Inc. and Environmental Partners provided reasonable detail for the work performed, and he is satisfied with both.

Motion: Ms. Turcotte moved to approve for payment Vanasse & Associates, Inc. Invoice #7643 for Exit 20 and Environmental Partners Invoice #4092 for the Washington Street Survey & Design and to approve the draft minutes of July 17, 2023 as written. Seconded by Mr. MacDonald.

Vote: 5-0, unanimous.

### **6:01PM Public Hearing: DPW Facility**

Motion: Ms. Turcotte moved to open the public hearing at 6:03PM and waive the reading of the public hearing notice. Seconded by Mr. Uitti.

Vote: 5-0, unanimous.

Brian McCusker, Elena Compter, and Jeff Alberti of Weston & Sampson and Kevin Sullivan and Joe Sullivan of CHA Consulting were in attendance to discuss the project.

The applicants gave a brief presentation what is proposed on the site. They are proposing to build a new Department of Public Works (DPW) Facility at the site's current address behind Town Hall. The existing Harbormaster Building and Animal Control Facility will remain as is, and the rest of the existing buildings on site will be demolished. The site is 24.68 acres and is located in the Planned Development-1 and Aquifer Protection Overlay Districts. The applicants will be providing 54 parking spaces for the facility. A new DPW Facility, as well as a new salt shed, is proposed. The new facility will provide space for vehicle & equipment storage, vehicle maintenance, shops, wash, and office & employee facilities.

The salt shed is proposed in the rear of the new DPW facility. They will not be disturbing the existing walking trail that is currently running through the lot. Features of the new facility include full sprinkler coverage, adequate ventilation, adequate lighting, safety improvements for occupants & employees, and protection of vehicles & equipment from corrosion and the elements. The proposed facility will be accessible, in compliance with MA 521 and ADA requirements.

There are two proposed easements on the site. One of the proposed easements goes over the church property, over Church property that is currently being used as a driveway by the DPW. The other proposed easement is already an access easement, but they would like to add a utility and stormwater easement to that.

They are planning to expand the area in the back of the facility that is currently wooded, which will consist of tree clearing and grading to level the area. They will be implementing a retaining wall in the rear to minimize grading and cutting further into the hill. The proposed salt shed will be right in front of the retaining wall.



## PLANNING BOARD MINUTES

Date: July 24, 2023

Page 3 of 9

The facility is currently about 20 to 40 feet from the existing walking trail, and they will be maintaining that distance. The applicants are proposing to add ADA access into the existing Harbormaster Building and adding ADA and other parking spaces for employees at the existing Animal Control Facility.

The applicants described the proposed new stormwater system. There is currently a pair of existing drywells that collect runoff on site. They are proposing two ways of treatments to collect water in the deep sump and catch basins to send down to water quality treatment units, and then go into underground stormwater chambers. They will also be utilizing bio retention swales at the front of the site, which will be planted with impermeable lining on the bottom. Water will be collected by the overflow structure and be led into the infiltration systems.

The applicants showed a proposed landscaping plan, including trees, shrubs, and perennials.

The applicants said the project requires permits for Administrative Site Plan Review, an Aquifer Protection Overlay District (APOD) Special Permit, and a Land Clearing & Grading Special Permit. They received comments from peer-review engineer, Pat Brennan, which they have prepared follow-up responses for. The applicants are attending the Zoning Board of Appeal's meeting on July 27 for the Special Permit application for the filing. Mr. McCusker said the applicants also received a letter from the Design Review Board related to color, and using low maintenance seed off the slope on the backside of the hill on the site.

Mr. Uitti explained to the applicants that as the Special Permit Granting Authority for work occurring in the APOD, there are uses that are allowable by special permit. He asked the applicants whether the proposed uses are something that have been occurring on site for some time. The applicants stated that the uses have been available at the site historically for the life of the property, and they will be making significant improvements to the operations.

The applicants explained the improvements that are being made to the operations on site. The operations on site are fully enclosed, and water is no longer being discharged into the stormwater system. The proposed salt shed is larger than the existing facility, so product can be delivered inside the structure rather than the current process of dumping the material outside and then pushing it in, which is inefficient and exposes the product to the elements. The proposed vehicle maintenance facility will be safer, as associated fluids are stored in a separate room that is leak detective with fire alarms.

Mr. Uitti stated that as the Special Permit Granting Authority, the Planning Board has to make a determination that "ground onsite operation will not fall below Federal or State standards for drinking water at the down gradient property boundary, except for nitrate nitrogen which shall not exceed five (5) parts per million," in accordance with Section 406 of the Zoning Bylaw. Mr. Uitti asked the applicants if this analysis has been completed. The applicants explained that they are meeting all the State requirements and stormwater standards for proper treatment of water on the site. They said that they had a hydrologist take nitrogen and nitrate samples on the site, and their results are included in the Appendix in their submittal package.



## PLANNING BOARD MINUTES

Date: July 24, 2023

Page 4 of 9

Mr. Dennison asked what clearing will be required, and the applicants said there is about 78,800 square feet of clearing proposed.

Mr. Dennison asked the applicants if they have completed the detailed analyses that are required under Section 611.6 of the Zoning Bylaw. The applicants responded that they have not yet complete a detailed analysis of vegetation on site, such as the size and height of trees. They had a wetland scientist walk the site, which is documented in their submittal package. They have done the analysis for rare and endangered species. The Planning Board requested that the applicants provide this information, as is required in the Bylaw.

Ms. Turcotte asked if there would be any benefit to having some sort of vegetation along the slope to make the slope sleeper to catch the grade quicker and use some sort of stone or rip rap. The applicants said they can see if this would result in a significant amount of savings in terms of reducing grading.

The Board inquired why the plans list variance as one of the requests from the Zoning Board of Appeals, and the applicants confirmed that this is a typographical error that should just be a special permit.

Mr. Ryan, as noted in his Board Report, said that he found in his research that in the Duxbury General Bylaws Section 8.1, there is an Earth Removal Permit that could be issued by the Selectboard that supersedes Zoning Bylaw Section 611.6. The applicants have not applied for an Earth Removal Permit from the Selectboard.

Pat Brennan, PGB Engineering, LLC, briefly read through some of his comments from his report to the Board, dated June 29, 2023.

Kenneth Zanetti, 894 Tremont, stated that currently, there is a significant amount of runoff coming from the property. He asked the applicants what measures will be put into place to ensure that runoff from the facility does not flow down the driveway into his property. The applicants

The applicants explained that they are proposing 4 different chamber system, which contain enough volume to hold the amount of water of a 50-year storm. They explained that they are proposing about 25 different catch basins on the site, so salt and chemicals will all be picked up before they can runoff from the site.

Dan Campbell, 904 Tremont Street, stated that out near the main street, Route 3A, there appears to be a spring or groundwater that bubbles up significantly during heavy rain and snow melt off and floods the entire area. Mr. Ryan suggested that the resident email him with his concerns about the drainage in this area, and he will pass it along to the DPW. He said it may be a separate issue not connected with this project and Route 3A is controlled by the State.

## PLANNING BOARD MINUTES

Date: July 24, 2023

Page 5 of 9

Paul Spolidoro, 884 Tremont Street, stated that he has five years' worth of photo and video of significant amounts of water coming down the driveway from the salt shed to his property. He asked if it is possible to move the location of the salt shed.

The applicants explained that the stormwater running off the site will be resolved. They said the reason for the location of the salt shed is the best for circulation and operation safety. The new facility will also shield the operation, as the product will be delivered indoors on an impervious structure.

Mr. Spolidoro said he has no problems with the noise on the site currently, his biggest concerns are his sight line and the possibility of anything leaching out of the facility. The applicants assured Mr. Spolidoro that the new salt shed is designed to prevent leaching. Mr. Spolidoro asked about lighting on the site. The applicants said there is a photometric plan as part of their application package and there will be sensors and timers on the lights and there will be no direct flood lights.

Mr. Ryan suggested that the applicants provide some screening if the removal of vegetation creates openings in the visual buffering between the site and the abutters.

Mr. Campbell asked if the fence on the neighbor's property line will be coming down, and the applicants responded that the fence will be left as is. Mr. Campbell asked what kind of screening will be put in place. The applicants said they are looking to add some screening with natural vegetation along the perimeter of the DPW property.

Mr. Campbell asked if the facility will be fenced in and the applicants stated that no fence will be installed around the facility.

Motion: Ms. Turcotte moved to continue the public hearing to August 14, 2023. Seconded by Mr. Uitti.

Vote: 5-0, unanimous.

### **6:04PM Public Hearing: Parkside Inclusionary Housing Special Permit**

Motion: Mr. Uitti moved to open the public hearing and to waive the reading of the public hearing notice. Seconded by Mr. Dennison.

Vote: 5-0, unanimous.

Francis DeCoste, Perry Phillips Woods, LLC, Manager, gave a brief presentation about the application. He explained that as required by Duxbury's Zoning Bylaws, the applicants for the Parkside Subdivision are submitting an application for an Inclusionary Housing Special Permit. The applicants have hired Delphic Associates as a consultant for the affordable units.

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



As described in the narrative from Perry Phillips Woods LLC dated June 20, 2023, Mr. DeCoste explained that the applicants have offered two ways to satisfy the Inclusionary Housing Bylaw, by either providing the two affordable units or providing a payment in lieu of the units to the Duxbury Affordable Housing Trust. He said Town Counsel opined that they would need a variance in order to provide the payment in lieu of the units, so they have decided to move forward with providing the two affordable units.

The affordable units will either be 3 or 4 bedrooms, with one unit located on Lot H of the Subdivision, and the other unit to be located on one of the ANR lots on Keene Street, which will they will be bringing the Board for approval shortly. The unit on Lot H, as part of the Subdivision, will still be subject to the covenants associated with the development, but they will not need to pay the Homeowner's Association fees. The units are expected to be priced between \$325,000 and \$350,000.

Ms. Rappe informed the applicants that the Board received a letter from the Duxbury Affordable Housing Trust, who also said they would like the two affordable units to be built rather than receiving a payment in lieu of the units.

Mr. Rappe inquired into how the affordable unit will be kept in line with the other homes in the Subdivision. Mr. DeCoste said the affordable unit will still be subject to the HOA restrictions, the lots in the development are the same size, and the developers try to put the affordable units at an elevation so they pick up some of the features of the other units in the development.

The Board agreed that they would rather have the applicants build the two affordable units rather than provide a payment in lieu of the units, in accordance with guidance from Town Counsel.

Motion: Mr. Dennison moved to close the public hearing, and to approve the Parkside Inclusionary Housing special permit application, with respect to Alternative 1 listed in the applicant's narrative. Seconded by Ms. Turcotte.

Vote: 5-0, unanimous.

### **6:05PM Continued Public Hearing: Parkside Subdivision**

Brad McKenzie, Fran DeCoste, Jay Gallagher, and Paul Gallagher were in attendance to discuss the project.

Mr. McKenzie presented the Board with the minor plan revisions that were made since the last public hearing for the project. He said he met with DPW Director, Peter Buttkus, on Keene Street to discuss constructing a sidewalk connecting proposed Road A and proposed Road B. The proposed sidewalk is shown on Page 22 of the Subdivision plans, and is about 695 linear feet with a 12-inch-wide cape cod berm.

Mr. McKenzie said the applicants have performed an extensive survey, locating trees, signs, and fire hydrants that would be impacted by the sidewalk construction. They noted on the plans signs that will need to be removed and reset, a hydrant that needs to be removed, reset, and moved further back from the road to accommodate the bituminous concrete sidewalk and cape cod berm. He said about half a dozen trees will be impacted by sidewalk construction.

Mr. McKenzie explained that the proposed sidewalk along the loop of Road B will be connecting to the proposed sidewalk on Keene Street with an accessible cement concrete curb ramp on both sides of the road, to meet MassDOT standards, and there will be a painted crosswalk connecting the Keene Street sidewalk.

Mr. McKenzie explained that the applicants are also seeking additional waivers after meeting with Mr. Buttkus, which are described in a letter from McKenzie Engineering Group dated July 11, 2023. Mr. Buttkus preferred that the sidewalk be constructed with bituminous concrete rather than cement concrete, which is currently required in the Subdivision Rules & Regulations. Mr. Buttkus also preferred 12-inch-wide cape cod berm in lieu of 18-inch-wide cape cod berm, which is currently required in the Subdivision Rules & Regulations.

Mr. McKenzie told the Board that the applicants have addressed all of Pat Brennan's comments related to compliance with Subdivision Rules and Regs, DEP stormwater management standards, and the Conservation Commission closed their hearing and voted to approve the project a couple of weeks ago.

In waiver request letter, they have listed the correspondence between Peter Buttkus and Planning related to the requested waivers

Ms. Rappe asked the Board whether the Board needs to review the Homeowner's Association documentation as a condition of approval. Ms. Turcotte explained that the Board generally conditions approval upon the existence of Homeowner's Association documentation.

The Board concluded that they did not have any issues with the requested waivers. The Board thanked the developers for working cooperatively with the Town on this process.

Ms. Rappe reiterated that the developer's intention is to come forward to the Town to ask for acceptance as public roads in the future.

Motion: Mr. Uitti moved to approve the Definitive Subdivision Plan for Parkside dated July 11, 2023, which includes 5 waivers as listed in the July 11, 2023 letter from McKenzie Engineering, subject to a condition on applicant to submit appropriate Homeowner's Association documents to the Town Planners office for their review. Seconded by Ms. Turcotte.

Ms. Rappe stated that the Subdivision Decision will also include standard subdivision conditions.



## PLANNING BOARD MINUTES

Date: July 24, 2023

Page 8 of 9

Motion: Mr. Uitti moved to amend his original motion to include that the Subdivision Decision will list the following items: plan documents, procedural history, listing of waivers, our findings, conditions of approval, standard appeal provisions, and signatures. Seconded by Ms. Turcotte.

Vote: 5-0, unanimous.

### **Zoning Recodification**

Ms. Rappe said Mr. Ryan will be discussing the Zoning Recodification process with General Code Corporation on Friday.

### **Comprehensive Plan Implementation**

Ms. Rappe said the Town Manager has approved a date for a meeting of task owners for implementation of the Comprehensive Plan.

### **Adjournment**

Motion: Mr. Dennison moved to adjourn at 7:27PM. Seconded by Mr. Uitti.

Vote: 5-0, unanimous

Materials reviewed at the meeting:

- July 24, 2023 Agenda
- Environmental Partners Invoice #4092
- Vanasse & Associates, Inc. Invoice #43519
- Draft Minutes July 17, 2023
- Public Hearing Notice: Parkside Inclusionary Housing Special Permit
- Parkside Inclusionary Housing Special Permit Application
- Planning Board Request for Interdepartmental Project Review: Sp. Permit #2023-1 – Parkside Inclusionary Housing Special Permit
- Spreadsheet entitled “Duxbury New Construction Sales 2020-Present”
- Parkside Subdivision McKenzie Engineering Group Letter dated July 11, 2023 describing revisions to the Definitive Subdivision Plans
- Parkside Subdivision McKenzie Engineering Group Letter dated July 11, 2023 summarizing waivers requested for the project
- Plans entitled “Definitive Subdivision Plan to be known as Parkside, Keene Street (Assessor’s Map 25 Lots 003-000, 004-000, 004-008 & 006-000) Duxbury, Massachusetts,” prepared by McKenzie Engineering Group; prepared for Perry Phillips



## PLANNING BOARD MINUTES

Date: July 24, 2023

Page 9 of 9

Woods, LLC; stamped & signed by Bradley C. McKenzie, P.E.; dated March 13, 2023 and revised through July 11, 2023; 22 sheets.

- Public Hearing Notice: DPW Facility Special Permits & Administrative Site Plan Review
- Weston & Sampson Letter of Transmittal dated June 21, 2023
- Weston & Sampson Planning Board Project Narrative Prepared for Town of Duxbury Department of Public Works Facility dated June 22, 2023
- Weston & Sampson Planning Board Stormwater Management Report Prepared for Town of Duxbury Department of Public Works Facility dated June 22, 2023
- Plans entitled "Town of Duxbury, Massachusetts New Department of Public Works Facility, Zoning Board of Appeals Variance, 878 Tremont Street," prepared by Weston & Sampson Engineers, Inc.; prepared for Town of Duxbury; stamped & signed by James R. Fair, P.E.; dated June 21, 2023; 30 sheets.
- Planning Board Request for Interdepartmental Project Review: ASPR #2023-2 – DPW Facility
- PGB Engineering, LLC Report RE: DPW Facility – Site Plan and Special Permits dated June 29, 2023
- Duxbury Fire Department Letter dated July 10, 2023 regarding new DPW Facility
- ZBA Case #2023-12: DPW Facility
- ZBA Case #2023-12: DPW Facility Certified Plot Plan
- Director of Planning – Duxbury, MA Board Report dated July 24, 2023 with Parkside Subdivision Updates (Page 6-7)

