



TOWN CLERK
2022 SEP -9 AM 10:07
DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

**DUXBURY BOARD OF APPEALS
MEETING MINUTES**

July 14, 2022 @ 7:30 p.m.

ATTENDANCE: Judith Barrett, Kathleen Muncey, Emmett Sheehan, Freeman Boynton Jr., Philip Thorn, Borys Gojnycz and Tanya Trevisan

Other persons present at the hearing: James Wasielewski, Building Commissioner and Lauren Haché, Administrative Assistant

CALL TO ORDER: Wayne Dennison called the meeting to order and reads the Governor's Preamble: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act of 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. For this meeting, members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

ZBA Case #2021-40, Campbell, 5 E. Marginal Road (CONT'D): *The Board voted unanimously (5-0) to continue the public hearing to September 8, 2022.*

ZBA Case #2022-10, Old Myrtle Street LLC, Keene's Mill Village, 0 North Street, Comprehensive Permit Application (CONT'D): *The Board voted unanimously (5-0) to continue the public hearing to September 8, 2022.*

Freeman Boynton Jr. makes a motion to approve the minutes from May 9, 2022. Philip Thorn seconds.

Judith Barrett moves to approve the minutes from June 8, 2022.

Freeman Boynton Jr. makes a motion to adjourn. Judith Barrett seconds (5-0)

BOARD OF APPEALS MINUTES

Case No: 2022-10

Petitioner: Keene's Mill Village

Address: 0 North Street

Date: July 14, 2022 Time: 7:30 p.m.

(Continued from June 9, 2022 and May 12, 2022)

Members present: Emmett Sheehan (CPT), Freeman Boynton Jr., Judith Barrett, Kathleen Muncey, Philip Thorn, Borys Gojnycz & Tanya Trevisan

Members Voting: Judith Barrett, Kathleen Muncey, Emmett Sheehan, Freeman Boynton Jr. and Philip Thorn

Other persons present at the hearing: James Wasielewski, Director of Municipal Services & Lauren Haché, Administrative Assistant

- Emmett Sheehan re-opens the public hearing and states we have received a number of materials since the last hearing with testimony in May.
- Lauren Haché reads all of the new correspondence into the record including a letter from Duxbury Fire Department, an email from Conservation, a Traffic Peer Review Report from VHB, along with 18 letters from Abutters with concerns and opposition.
- Rob Nagi, with VHB, presents the findings in the Traffic Study that he submitted on July 11, 2022 and on file with the ZBA.
- Emmett Sheehan states does the Board have any questions for the Traffic Consultant
- Freeman Boynton Jr states I have one question, which was sort of answered in your final sentence, but you have given us counts and the effects, but at what point do the counts become a hazard to the neighborhood. Is the increase in the number of counts going to create more problems for the neighborhood or is it not a very heavily traveled road. How does it compare to busier streets in town
- Rob Nagi states a road line North Street has maybe 30 cars in the busy part of the day and this may increase that 100 percent to 60 cars an hour additionally. The infrastructure can support it, it won't create congestions. It will impact those that live on this street but from an operation and a safety perspective it is not unsafe.
- Freeman Boynton Jr states do you think that if we did another study in the summertime that traffic is going to become a bigger problem
- Rob Nagi states I have heard a lot about Camp Wing and the summer impacts. I do think it would be helpful to get a spot traffic count out there at some point this summer to confirm that the December counts are consistent with the summertime counts. If the summertime counts are twice as much or three times as much as winter, then we should consider re-evaluating.
- Emmett Sheehan states does the Applicants Traffic Engineer have any responses
- Attorney Jonathan Silverstein introduces himself as representing the Applicant. Mr. Silverstein states there hasn't been a lot of time to review since receiving the review but Daniel LaCivita with Vanasse and Associates is here this evening and can speak to this.

- Daniel LaCivita with Vanasse and Associates introduces himself and states we do not have anything on paper yet to respond to this study at this time. The summer counts we can move forward on with permission, this was just introduced tonight.
- Jonathan Silverstein states that the Applicant has no issue with having a summertime spot count conducted to evaluate the summer traffic conditions. Most of the comments in the Peer Review are related to the site plan; we do have Rick Grady, the Civil Engineer for the project on tonight.
- Rick Grady states these site plan requests are very reasonable and we are working on having a more detailed site plan completed and submitted in the next couple of weeks. We'll have a sheet for signage and markings and ada etc.
- Amy Kwesell, Town Counsel, states Mr. Chairman, I have a few questions. The first being how are you going to address the unit one driveway from the scale it appears that it cannot be moved
- Rick Grady states we will take a look at that
- Phil Thorn states would it be possible to shift one or two of the units to around the corner on Keene Street; just a thought to help the sight lines
- Rick Grady state we appreciate that suggestion, we want to look at that while considering the conservation restrictions to address too
- Freeman Boynton Jr states I feel that Keene Street is a lot busier that North Street and none of the driveways have a means to turn around. I would rather see a car back out onto Keene rather than North.
- Freeman Boynton Jr states also, Rick, do you know off hand if the hammerhead turnaround will meet the Fire Department standards
- Rick Grady states yes, it does. They want 20 feet gutter to gutter with berms
- Freeman Boynton Jr asks if no parking signs would be typical in a residential development and would you suggest additional overflow parking somewhere in the larger portion of the project
- Rick Grady states we can look at these suggestions; I also saw a suggestion about expanding the driveways for additional parking
- Amy Kwesell states the project narrative indicates that the sidewalks are 5 feet wide, but it also states that the sidewalks connect the units to a communal green space and amenities, where is that? I apologize, I was not at the opening hearing, but I am looking at sheet one of one and I don't see any amenities.
- Emmett Sheehan states we'll ask the Applicant
- Kathleen Muncey states isn't it the two squares
- Amy Kwesell states what would the amenities be
- Kathleen Muncey states that you could go walk there, I think I saw benches
- Judith Barrett states I think there is some disconnect with what is shown on the plans and what is in the narrative
- Emmett Sheehan states are you asking for a blanket waiver on Conservation, will you be narrowing that down
- Jonathan Silverstein states yes, Rick Grady is working on preparing a more detailed waiver list and we will provide that to the Board.

- Freeman Boynton Jr states Rick, do you know if this project is in a Zone 2
- Rick Grady states it is not, there is a small portion of the lot on Keene Street that is in the Aquafer Protection Overlay District wetland area but not within any of the development areas
- Freeman Boynton Jr states so none of the septic will be in the area
- Rick Grady states correct, they will not
- Emmett Sheehan opens the hearing to the public for comments
- Dick Brennen, 100 Myrtle Street, I am an abutter, states my concern is that these septic systems will be within 150 feet from my property and then there are wells around this as well. I am wondering where are all of the septic systems going to go or will there be one large system. My other concern is this sidewalk on the plan leading to my backyard. The old road is going the other way and I own half of that road. Also, the snow removal, who is responsible for that. Who removes that
- Emmett Sheehan states the home owner's association would be responsible
- Freeman Boynton Jr states there should be snow storage detailed on the plan also
- Dick Brennen continues my last concern is this North Street; it's a cut through street and I am on the highway safety committee and Pembroke has shut down trucking so we get the brunt of that on North Street
- Jonathan Silverstein responds to the Abutter, but refers to Rick Grady. As for the property leading to the right of way, the Residents will have the same privilege to that right of way as the other owner.
- Emmett Sheehan states to the part that they own
- Jonathan Silverstein states ownership to the midpoint of a private way, the general rule is that the fee is to the centerline but you have the right to use the whole way. This Board doesn't have the right to get into private property rights, this is a distraction
- Amy Kwesell states I am confused, I don't have any site plans with septic systems on them or with snow storage. Was this application submitted without those plans. How can they submit plans of the project without these details
- Rick Grady states we will be submitting the detailed septic and drainage plans shortly and we did delineate the wetlands as well and will be filing that with Conservation
- Amy Kwesell states so, how is our Peer Reviewer going to review this
- Judith Barrett states we're not, that is why Pat Brennan is not here tonight
- Amy Kwesell states we should not engage without full plans or else it will be piecemealed
- Freeman Boynton Jr states isn't there a 180-day clock as well that comes into play
- Amy Kwesell states that is exactly my point. I understand that 40B they are only required to submit preliminary plans, but plans with septic, I have never seen this. This application was filed in March 22nd and it is now July 14th and we still do not have plans that show a septic system, we still don't have a full package to send to our Peer Reviewer
- Emmett Sheehan states when will we see this Mr. Grady
- Rick Grady states two more weeks
- Amy Kwesell states so no we're talking August

- Freeman Boynton Jr states we don't meet in August
- Amy Kwesell states so all of our 180 days will be gone
- John Baldwin states so we gave an extension from when we filed, we will get these plans
- Freeman Boynton Jr states so would you waive the 180 days
- John Baldwin states no, I didn't say that, but we did give an extension in the beginning
- Freeman Boynton Jr states what did they waive
- Amy Kwesell states the 30 days to open
- Judith Barrett states this does matter, it is insulting to this Board
- Amy Kwesell states the project eligibility letter dated October 18, 2021 states that there should have been a detailed landscaping plan and we don't even have that, so I have to agree with Ms. Barrett that this is very incomplete
- Jonathan Silverstein states I don't think this is a waste of time, I think we have had a detailed traffic review. We have more time
- Lauren Haché states 180 days from May 12th is November 8th
- Amy Kwesell states we won't be able to achieve this in two months
- Jonathan Silverstein states we are a long way from the 180 days, this is not a huge project but if time is getting tight and we are facing a denial, we can have a conversation about an extension. I see the Board's frustration, but I think it's premature
- Amy Kwesell states I want state that this Board takes 40B's extremely serious regardless of the proposed size. I think this is important for a very significant review by this board.
- Tom Warren, 415 North Street, states my biggest concern with the drainage on North Street and adding a sidewalk would interfere with that or be washed away.
- Carol Smith, 415 North Street, do we have storm drainage calculations for this project. Also, the traffic review comment 12, VHB recommends a minimum of 100 feet from the intersection, the site plan shows that the driveway for house 1, 2, 4 and the shared driveway with 3 & 5 are all within 100 feet from the intersection
- Freeman Boynton Jr states they are planning to look at that
- Carol Smith states the first driveway is 15 feet from the intersection
- Ken Abplanalp, 120 Myrtle Street, states my question is in regard to the traffic study and the impact on pedestrian traffic. How is that factored into the specifics of the area
- Rob Nagi states we do look at vehicular most commonly, but we also consider pedestrian and bicycle traffic as well. The applicant is speaking about sidewalks along North Street which will help with that immediate area. I think the applicant will accommodate what they can, in their purview for that. I know that Town may be doing additional work with that, but they may want to consider that but the applicant will upgrade there for their land and what they are allowed to.
- Ken Abplanalp, 120 Myrtle Street, states that Myrtle and Keene as well as North and maybe the board should consider the network or triangle as well
- Emmett Sheehan states I think the applicant has proposed a sidewalk, but there needs to be additional traffic review, thank you
- Deborah Frangesh, 399 North Street, my concern is with parking and the density of what 28 families on a small piece of property. The road is proposed to be 20 feet, are they going to overflow parking going to be on North Street

- Carol Smith, 415 North Street, comments about the parking and overflow parking for visitors or the lack there of. Also, regarding traffic, should other developments be factored in with this traffic and their parking and density
- Freeman Boynton Jr states did the applicants consultant consider this
- Rob Nagi confirms that they did include this and also the other developments and additional growth in general
- Amy Kwesell states perhaps additional parking should be considered before or in conjunction with the drainage calcs
- Rob Nagi states that the recommendation of the traffic engineer is on the site plan as well
- Emmett Sheehan states any other questions
- Carol Smith states are the sidewalks inside the development 5 feet
- Rick Grady states they are 4 ft on the plan but we will increase that to 5 ft to stay consistent with what was discussed tonight
- Emmett Sheehan states if there are no more public questions, lets confirm a continuance date
- Lauren Haché states we have September 8th or September 22nd
- Emmett Sheehan asks the Applicants
- Judith Barrett states I would like to know what we will be receiving from the applicants and when we will get it
- Freeman Boynton Jr states they said 2 weeks
- Rick Grady states the drainage calculations and the full site plan will be submitted in 2 weeks
- Emmett Sheehan states ok
- Amy Kwesell states what about the summer traffic counts
- Daniel LaCivita states I will check on that and confirm with the Applicant
- Jonathan Silverstein states we will commit to getting it done as quickly as we can and submit to the board when we know the date
- Amy Kwesell states doesn't camp wing shut down at the end of August
- Jonathan Silverstein states so by the middle of August
- Emmett Sheehan states how about September 8th at 6:00pm
- Freeman Boynton Jr moves the motion
- Philip Thorn seconds
- All in favor ES, FB, PT, JB, KM

Motion: It was moved, seconded and unanimously voted to continue the public hearing to September 8, 2022.

Moved by: FB

Seconded by: PT

Number in favor: 5

Number opposed: 0