

TOWN OF DUXBURY

BOARD OF APPEALS

DUXBURY BOARD OF APPEALS
MEETING MINUTES

February 24, 2022 @ 7:30 p.m.

TOWN CLERK
2022 APR 15 AM 8:08
DUXBURY, MASS.

ATTENDANCE: Wayne Dennison, Judith Barrett, Kathleen Muncey, Freeman Boynton Jr., Philip Thorn and Borys Gojnycz

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 #2021-06, The Village at Harlow Brook, 766, 782 & 0 Temple Street (CONT'D): *The Board voted unanimously (5-0) to continue the public hearing to March 31, 2022 at 5:00 p.m.*

Administrative:

- a. *Millbrook Motors, 1474 Tremont Stree: The Board voted unanimously (5-0) to approve the amendment to special permit 88-3 to include hoisting training classes as a use in part of the existing interior auto shop space.*

Wayne Dennison makes a motion to close the public hearing. Judith Barrett seconds (5-0)

BOARD OF APPEALS MINUTES

Case No: 2021-06

Petitioner: Harlow Brook LLC

Address: 766, 782 and 0 Temple Street

Date: February 24, 2022 Time: 7:30 p.m.

(Continued from January 13, 2022 December 2, 2021, October 28, 2021, September 23, 2021, June 24, 2021, June 10, 2021, May 13, 2021 and March 11, 2021)

Members present: Judith Barrett (CPT), Wayne Dennison, Kathleen Muncey, Freeman Boynton Jr., Philip Thorn & Borys Gojnycz

Members Voting: Judith Barrett (CPT), Wayne Dennison, Kathleen Muncey, Freeman Boynton Jr. & Borys Gojnycz

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

- Judith Barrett, Chair Pro Tem, re-opens the public hearing and states that new submissions were submitted from the Applicants this week, but out Peer Review Consultants are not here tonight and have not reviewed the new documents.
- Attorney Robert Gavin, the Agent for the Applicants, gives the Board an update on a list of things they are looking to achieve. For the completion of the fire flow testing, renderings of the landscape detail for the entrance, develop and submit a construction management plan, architecture plans with building heights and some windows added to the drawings and then lastly we were going to submit updated drainage calculations and stormwater management plan. Since the last meeting, the fire flow information, we have been asking for Mr. Mackin to complete this since October 19th. We have also asked our landscape architect to update things to the Board Mr. Lipinski with Grady Engineering. Jeffrey Dirk with Vanasse submit a traffic impact construction management plan on January 20, 2022 and we have not yet received commentary on that. As for the architecture plans, we were told that duplex plans were not preferable so we came up with new plans and replaced the Architect last fall that shows duplexes, triplexes and quads and at the last meeting the Design Review Board asking basically to redesign the project as a duplex development. We want and need your guidance of what type of development you feel is most appropriate. We now have conflicting information.
- Judith Barrett states that letter you referenced about duplexes was from the Affordable Housing Trust concerning the land across the street. Ms. Barrett agrees with Attorney Gavin and states this site is in a Planned Development district which typically does require a mix of units, so I would like the Board to

discuss before we open this up. Ms. Barrett also states that Emmett Sheehan has recused himself from this case, so sitting on this case is Kathy Muncey, Wayne Dennison, Judith Barrett, Freeman Boynton, Borys Gojnycz and Phil Thorn as alternate.

- Kathleen Muncey states is Borys on this case
- Judith Barrett states yes Borys is on this now
- Freeman Boynton Jr states I think that a mix of units is better, but I am concerned with density and distance from the street
- Kathy Muncey agrees with Freeman
- Wayne Dennison states first I do understand the density concerns but I don't think we have control over density. I agree with you regarding mix of units is more consistent with the Bylaw, but I would like to hear from the neighborhood and their thoughts on mixed or duplex
- Jim Wasielewski states so I believe the mixed use with duplex and combining threes and fours, this will allow for more open space between units etc.
- Borys Gojnycz states how would the affordable units be mixed in and also market value, what would be better overall for that market value
- Judith Barrett states I understand your question, but that is above our jurisdiction, the subsidizing authority handles that
- Philip Thorn states after/during the site visit it becomes apart how close those two quads are to Temple Street
- Bart Lipinski with Grady Engineering shares his screen and explains the site and the landscape proposal and explains the landscaping between the property and the Abutter to the South, which would include a property fence along the entire length with supplemental evergreens
- Judith Barrett states I don't think this gets to the questions that the Peer Review Architect noted. This portrays a flat plan and we know that the project is having loads of fill coming in and we would really like a model of somesort to truly show the shape of the site after it's built
- Robert Galvin states Mr. Casey is here, the site engineer for questions and we just don't have the means to bring a model to the table
- Judith Barrett disagrees and states this is a valid request given the legislation. We have people in the neighborhood that want to know what this will look like and we have questions that need answers
- Mark Casey, the Engineer, explains the site stating so you are looking for a 3 dimensional plan to show you this. I would be happy to attend a work meeting and go section by section and building by building to go through this
- Judith Barrett states well, the Peer Review Architect raised these concerns for a reason, he understands this but the public and board may not and that's the issue here
- Mounir Tayara, the Property Owner states Madame Chair, we would be happy to sit down with a Board Member to get a better understanding so that we know duplexes or mixed and once we get that information we will consider a model.

We believe that the Architect reviewer is subjective and I believe that we have submitted more than enough from a design review.

- Judith Barrett states just to be clear the difficult part of this is the conditions to the site. We are obligated, as the permitting authority here, have the site and building design, environmental impact and public health and safety, that's our box.
- Attorney Galvin states I appreciate that you want to hear from the resident about what they want, we want to know what you and the Board want
- Judith Barrett states only the board is making the decision, the Abutters concerns are valid
- Attorney Dennis Murphy from Hill Law on behalf of 724, 732 and 756 Temple Street Abutters. Mr. Murohy notes that the property is in the APOD and that by right, eight to maybe ten homes would typically be allowable here by right. They are asking for significantly greater under 40B and waivers. The length of the deadend street and the wastewater and runoff are a major concern. I would like to see the new test pit data if sharable. Also the nitrogen loading and seepage to ground water are both on the waiver list. This is in a ZONE II to the Marshfield public water supply. There has been no analysis to Abutters wells.
- Judith Barrett states I agree and appreciate your comments, we do need additional comments from Town Departments
- Dennis Murphy states also if a neighbor representative could be part of the working group discussion, that would be great
- Judith Barrett states anyone here to speak from the public, please indicate your name and address please
- Adam Schewbach, 756 Temple Street, thanks the Board for the site visit and explains the concerns as the direct abutter to the south of the project. So, as an Abutter we can't say what is best, but from a non-expert perspective, I would like to see a mix of things to break up the cookie cutter image. Ones, twos and threes would be ideal. Screening along my property, I am encouraged with the mix of evergreens and that would be a good start. I am not an expert, but I don't know as a fence would be best because some has to maintain that at the end of the day and I have big pines in my yard that concerns me. So overindex on evergreens and underindex on fencing, but again I am not an expert. The screening at the entrance of the property so whatever the Board approves I would like you to not consider my trees on my property screening.
- Alia Salem-Salemma, 16 Laurel Street, on the landscape plans and street views, I see the back of a quadplexes and the trees and wall are very low.
- Paul Pandiscio 35 Amado Way, speaks of setback concerns and the comment dismissing the neighbors comments are offensive.
- Rob Levitt, 724 Temple Street, states concerns the density of 40 units to the neighborhood and we are new to this beautiful area and as a contractor we always made sure new developments fit with the neighborhood. As an environmental engineer I have great concerns

- Judith Barrett states the reason the project is in front of us is because the Town is nowhere near the 10% required amount of affordable housing. This Town is not exempt from chapter 40B. The Board is obligated to try to balance this in the community. Are the impacts of the project supported by the environment.
- Robert Melton, 732 Temple Street, states I am supportive and understand the limitations that 40B has, I appreciate all of my neighbors comments. I do think Attorney Murphy has brought up some very significant considerations, especially with length of street, Nitrogen Loads, Fill being trucked into the site.
- Judith Barrett states thank you, we are going to refer the comments of Attorney Murphy to the Peer Reviewers.
- Attorney Galvin states with respect to the Fire Chief, we have provided documents regarding the Duxbury Fire Departments trucks and then we did provide the length of the road. The nitrogen loading comments, this is a 19 acres site and not a 6 acre site. The site complies with the nitrogen loading. We also had 13 more test pits tested. Also, we think the working session should be between the Board and the developer, respectfully. We will give Mr. Murphy any documents that he wants.
- Judith Barrett states Board Members, we owe the Developer some guidance here about the buildings
- Kathleen Muncey states the mix of units and distance from the street would be helpful
- Freeman Boynton Jr. I don't have a preference, but I would prefer to not drive down the street and see two large hotel sized buildings
- Wayne Dennison states we don't design projects, but I don't think we have any say in what they build. We are to review what the Applicants present to us as a full project
- Borys Gojnycz states it would be helpful to have the 3D model to see what the project will look like, referring to McLean's Way.
- Judith Barrett states I do agree with Mr. Dennison that we don't have an obligation but I always try to find a way to make a project according to the Bylaw; I am not opposed to a mix of units. I am not impressed with the other 40B duplexes in town. Whatever the buildings are I don't want to see front facades with protruding garages.
- Mounir Tayara states I appreciate your comments and we have some decisions to make and we will move forward. We will complete our final proposal at our next meeting
- Judith Barrett states also the Board needs a point by point response to the Peer Review comments as well please with a cover letter when you submit a new plan
- Judith Barrett states we will need a new extension and new date to meet
- Lauren Hache states the next meeting is March 10th, but there are 6 cases on that evening and then the 24th we have one case but the Board requested we don't schedule anything there.
- Judith Barrett states would April 28th work

- Attorney Galvin states waiting to April 28th is too long
- Judith Barrett asks the Board about a special meeting say, March 31st at 5:00pm
- The Board agrees
- Wayne Dennison states could we get an updated list of requested waivers
- Freeman Boynton Jr states the landscape plan has a zone x and a zone a, what is that on the site plan
- Mark Casey states I am not sure what you are referring to and continues to explain the site plan and floodzone and shares his screen
- Freeman Boynton Jr states the Town website has the same line that's on the landscape plan
- Mark Casey states use the FEMA Maps and you'll see the amendment
- Freeman Boynton Jr states Judi how do you avoid 40 garage doors facing the street without providing space between the buildings
- Judith Barrett states it should be set back from the building line
- Judith Barrett suggest to move to continue the hearing to 5pm on March 31, 2022
- Wayne Dennison moves
- Kathleen Muncey seconds
- All in favor JB, KM, WD, BG, FB

Motion: It was moved, seconded and unanimously voted to continue the public hearing to March 31, 2022 at 5:00pm.

Moved by: WD
Number in favor: 5

Seconded by: KM
Number opposed: 0