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TOWN OF DUXBURY  
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BOARD OF APPEALS

DUXBURY BOARD OF APPEALS  
MEETING MINUTES  
June 14, 2022 @ 5:00 p.m.

**ATTENDANCE:** Judith Barrett (Chair Pro Tem), Kathleen Muncey, 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:**

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](http://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, Harlow Brook LLC, Village at Harlow Brook, 766, 782 and 0 Temple Street (CONT'D):** *The Board voted unanimously (5-0) to close the public hearing.*

*Kathleen Muncey makes a motion to adjourn. Borys Gojnycz seconds the motion.*

## BOARD OF APPEALS MINUTES

**Case No: 2021-06**

**Petitioner: The Village at Harlow Brook**

**Address: 766, 782 and 0 Temple Street**

**Date: June 14, 2022 at 7:30 p.m.**

**(Continued from March 11, 2021, May 13, 2021, June 10, 2021, June 24, 2021, September 23, 2021, October 28, 2021, December 2, 2021, January 13, 2022, February 24, 2022, April 28, 2022 and May 9, 2022)**

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

**Members Voting:** Judith Barrett, Kathleen Muncey, Freeman Boynton Jr., Philip Thorn & Borys Gojnycz

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

- Judith Barrett, the Chair Pro Tem, re-opens the public hearing and lists off the new materials received since the last meeting. Madam Chair lists off the materials including an email from Diane Bartlett, from the Housing Authority, a draft decision from the Applicants Attorney, a letter from Abutter Rob Melton, an email from Pat Brennan the Town's Peer Review Consultant, a report from Steamworks, information from South Shore Survey, Mounding analysis revised, a letter from Attorney for the neighbors and letter from Scott Horsley. Ms. Barrett continues and states I would like to keep tonight open for new information only.
- Attorney Galvin introduces Dr. Thomas Ballestero with Steamworks and Peter Dillon a Senior Geologist with TetraTech, who are both present to discuss the response to Mr. Horsley previous report.
- Dr. Thomas Ballestero introduces himself and gives a presentation relating to surface hydrology or stormwater and groundwater (mounding and water quality).
- Peter Dillon introduces himself and presents the water quality and DEP standards and Nitrogen Loading standards
- Scott Horsley, the geologist for the Applicants presents and discusses the Nitrogen Loading calculations and presents some models
- Pat Brennan, Amory Engineers, the Town's Peer Review Engineer presents and discusses the Nitrogen Loading calculations and treated wastewater systems and including the wetlands as opposed to not including the wetlands in the calculations.
- Judith Barrett opens the hearing for public comments and questions
- Rob Melton, 732 Temple Street, expresses concerns with the nitrogen loading calculations and the 89 bedrooms in 39 units. I am looking to find out the appropriate number of bedrooms based on Mr. Horsley's calculations. Mr. Horsley stated between 17-45 bedrooms.
- Rob Levitt, 724 Temple Street, asks about Mr. Brennan's qualifications in regard to groundwater calculations.

- Attorney Dennis Murphy speaks on behalf of the Abutters and expresses concerns over the nitrogen loading, all of which is addressed in the letter he submitted on file with the board.
- The Board discussed concerns over the State and Town supplemental rules and regulations in regard to the Nitrogen Loading calculations.
- Judith Barrett asks the Board Member voting on this case if they need more time for information; Ms. Barrett continues and states if the Board doesn't have any questions, I think it's time to consider closing the hearing
- Freeman Boynton Jr states I would like to hear from the Applicant regarding protecting the drinking water before we close this
- Attorney Galvin states we have committed to nitrogen loading which will get this project close to the local standard and absolutely at the State standard
- Freeman Boynton Jr moves to close the public hearing
- Kathleen Muncey seconds
- Judith Barrett states any discussion, we have 40 days to deliberate once we close this hearing
- All in favor Judith Barrett, Kathy Muncey, Freeman Boynton Jr., Phil Thorn and Borys Gojnycz
- Judith Barrett states this hearing is no closed and we cannot accept any correspondence moving forward. We will have Town Counsel involved with this decision
- Madam Chair thanks the Board, the Applicants and their experts, the Town's Peer Review Consultants and the Neighbors for all of their input on this case

**Motion: It was moved, seconded and unanimously voted to close the public hearing.**

Moved by: FB

Number in favor: 5

Seconded by: KM

Number opposed: 0