



# Town of Duxbury Massachusetts Planning Board

Approved 10/22/12

TOWN CLERK  
12 OCT 25 AM 8:47  
DUXBURY, MASS.

## Minutes 09/10/12

The Planning Board met at the Duxbury Town Hall, Small Conference Room, 878 Tremont Street, on Monday, September 10, 2012 at 7:00 PM.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; John Bear, Scott Casagrande, and Jennifer Turcotte.

Absent: Cynthia Ladd Fiorini, Clerk; and Josh Cutler.

Staff: Thomas Broadrick, Planning Director; and Diane Grant, Administrative Assistant.

Mr. Wadsworth called the meeting to order at 7:00 PM.

### OPEN FORUM

Community Preservation Committee (CPC): Mr. Bear requested that the Board add an agenda item to its next meeting to discuss CPA ballot questions.

Open Space Committee: Mr. Glennon announced that the Duxbury Litter Sweep is scheduled for Saturday, October 6, 2012. He encouraged all residents to come and pitch in to keep Duxbury beautiful.

Planners Web: Mr. Glennon recommended an article in the latest online edition of the Planners Web regarding the importance of making site visits.

Stormwater Presentation: Mr. Broadrick reported that Mr. Mark Nelson of Horsley Witten has proposed a Stormwater Education presentation on Wednesday, October 24, 2012 at 7:00 PM at Town Hall, Mural Room. The presentation would be led by Mr. Nelson and Mr. Rich Claytor of Horsley Witten at a proposed cost of \$995.00. The cost would be allocated from the Planning Department budget. Board members approved this proposal by consensus.

### INITIAL PUBLIC HEARING, SPECIAL PERMIT FOR RESIDENTIAL CONSERVATION CLUSTER: FISHER RIDGE, OFF SUMMER STREET / KOPLOVSKY

Mr. Wadsworth opened the public hearing at 7:07 PM. Mr. Glennon read the public hearing notice and correspondence list into the public record:

- Letter from P. Brennan of Amory Engineers dated 08/16/12 re: Peer review letter
- Application, plans and materials submitted on 08/23/12
- Emails between D. Grant and T. Kelso dated 08/21/12 – 09/06/12 re: Town Historian comments forthcoming
- Public hearing notice stamped in with Town Clerk on 08/23/12 and published in Duxbury Clipper on 08/22/12 and 08/29/12

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 148; Fax: 781-934-1137

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

PLANNING BOARD MINUTES

Date: September 10, 2012

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Present for the discussion were the applicant, Mr. Edward Koplovsky, and his representative, Mr. Stephen Katowski of Webby Engineers in Plympton. Also present was the town consulting engineer, Mr. Patrick Brennan of Amory Engineers.

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Mr. Wadsworth invited Mr. Katowski to present the application. Mr. Katowski stated that the property is a six-acre parcel that is the remaining portion of large area of land that the property owner conveyed to the town. The applicants first presented an ANR plan to the Board and then a preliminary Residential Conservation Cluster (RCC)/Grid Subdivision plan. Tonight's application is a result of the Board's determination that the land was suitable for an RCC subdivision. Four single-family residential lots are proposed, each with fifty feet of frontage and approximately 20,000 square feet in area. Mr. Katowski noted that no houses directly abut the property. Over fifty percent of the land will be set aside as open space. This set-aside open space abuts conservation land already conveyed to the town.

Mr. Katowski explained that the proposed roadway is 18 feet wide with a Cape Cod berm for a total of 21 feet in width. The centerline intersects with Summer Street. All construction would be beyond the 100-foot setback for wetlands. Abutting the property are isolated protected areas and also isolated vegetated wetlands. A water hole exists across Summer Street from the property. No utilities currently exist on the property and the closest water service is on Keene Street. Mr. Katowski stated that the Water Superintendent, Mr. Peter Mackin, suggested that the water main run from High Street to the subdivision because he preferred the shortest distance. Mr. Katowski stated that the applicants will work with the utility companies to install underground service. He stated that they had designed the subdivision to minimize grading.

Mr. Katowski stated that Low-Impact Design drainage is proposed that would include a rain garden within the cul de sac, which would be easy to maintain. He noted that Fire Chief Kevin Nord preferred no basins within the roadway so drainage was placed in the middle of the cul de sac. There are no catch basins or manholes proposed. Water would pitch into the rain garden where it will be treated. Mr. Katowski noted that details for the roadway and rain garden are included in the plans submitted. An erosion control plan has also been submitted showing measures proposed during and post construction.

Mr. Wadsworth invited comments from Mr. Brennan of Amory Engineers. Mr. Brennan noted that he had seen revised plans already that address some initial comments in his letter dated August 16, 2012. Mr. Brennan noted that wetland area calculations meet the required area for upland and septic for four dwelling units. The proposed open space allotment is 51 percent of the total land area, exceeding the required open space by one percent. A twenty-foot wide access should be provided for access to the open space but plans show a ten-foot access.

Mr. Brennan noted that drywells are proposed to mitigate rooftop drainage; however, they are not recommended for inclusion in drainage calculations because homeowners rarely maintain them properly. Mr. Brennan's initial issues with drainage calculations have been addressed by the applicants. He also noted that the applicants have agreed to replace a stone trench with grass as he recommended in order to improve pre-treatment of stormwater in the rain garden. Mr. Brennan advised that an emergency overflow to the rain garden should be provided in case of frozen ground or in case the rain garden is not maintained properly. He recommended a 20-foot wide rip rap splash pad within the open space access pathway.

Mr. Brennan noted that the applicants have agreed to provide a wooden guardrail around the rain garden to protect it from vehicles and also to protect it from snow plows pushing snow into the rain garden. Mr. Brennan recommended that the applicants show the proposed rain garden plantings on plans.

Mr. Brennan noted that the applicants are checking with the Water Superintendent regarding the location of the proposed water main. Original plans showed the water main on the shoulder of the roadway, but now plans

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have been revised to show the water main in the center of the roadway, including cross-section plans. Mr. Wadsworth pointed out that it is typically easier for the Water Department to access the water main under grass.

Mr. Brennan noted that the applicants have addressed all other issues he raised in his review letter.

Mr. Wadsworth asked for Planning Board comments/questions.

Mr. Bear noted that the subdivision fronts on Summer Street, which is state road Route 53. He asked where the state will want utility poles placed, and Mr. Katowski replied that they have determined that there is no moratorium on curb cuts at the Massachusetts Department of Transportation and they will be filing for curb cuts and utility requirements.

Mr. Bear asked if the applicants intend to transfer ownership of the open space land, and Mr. Katowski responded that the land will be conveyed to the Town of Duxbury Conservation Commission.

Ms. Turcotte asked about test pit results, and Mr. Katowski responded that the test pits were done under the supervision of Gale Associates, town consultants, who also inspected the rain garden. Ms. Turcotte asked if there are potential issues with high groundwater, and Mr. Katowski replied that there is no groundwater issue. A 150-foot setback on each lot is either maintained or exceeded, and the septic has been approved for four-bedroom design on all lots.

Mr. Glennon noted that although the applicants have requested a waiver for streetlights, one streetlight should remain at the intersection of the new roadway and Summer Street.

Mr. Casagrande asked about the 20-foot cart path shown on the plans, noting that access to the conservation land already exists off Summer Street. Mr. Broadrick noted that Subdivision Rules and Regulations require access to open space off the roadway, although the applicants may choose to request a waiver. He also noted that the path provides an area for the drainage overflow strip.

Mr. Wadsworth asked for more detail on the drainage design, and Mr. Katowski responded that the roadway is designed to pitch to the rain garden in the center of the cul de sac. A grass strip will lead to a vegetated area. There are no mechanisms such as basins proposed. Mr. Brennan noted that the proposed overflow pipe is at the elevation for a 100-year storm. Mr. Katowski noted that all water is collected on site.

Mr. Wadsworth asked about the water service, and Mr. Katowski stated that an eight-inch PVC pipe is shown on the detail plan. Mr. Wadsworth stated that he believes the Water Department typically requires ductile iron pipes. Mr. Katowski offered to confirm this with the Water Superintendent.

Mr. Bear asked about Development Review Team comments, and Mr. Broadrick stated that in general the department heads do not prefer Residential Conservation Clusters because one-acre lots are usually assessed at a higher rate. He stated that no issues were raised regarding the proposed cul de sac.

Mr. Glennon asked about snow storage, and Mr. Katowski replied that it will be mounded along the edge of the road.

Mr. Wadsworth opened the floor to public comment.

Mr. Frank Duggan of 41 Keene Street stated that he was unable to subdivide his land due to wetlands and the property under discussion is in the same area. He asked if the town has changed its position on subdividing

land. Mr. Broadrick offered to meet with Mr. Duggan to discuss the possibility of subdividing his land, noting that he is unable to help with delineating wetlands.

Mr. Katowski asked about comments from the Town Historian, and Mr. Broadrick noted that the Town Historian, Mr. Tony Kelso, has been in contact with the Planning office and is expected to make a recommendation regarding the street name. Mr. Broadrick noted that the Planning Board has the final say on the street name.

**MOTION:** Mr. Glennon made a motion, and Ms. Turcotte provided a second, to continue the public hearing for a Residential Conservation Cluster special permit to September 24, 2012 at 7:20 PM, with revised plans due by September 17, 2012.

**DISCUSSION:** Mr. Broadrick stated that he would prepare a draft decision. Mr. Wadsworth noted that a final list of waivers should be submitted also.

**VOTE:** The motion carried unanimously, 5-0.

Mr. Casey and Planning Board members signed a mutual extension form.

**DISCUSSION OF PROCESS FOR CONTINUED PUBLIC HEARING / SITE VISIT ON SEPTEMBER 15, 2012 RE: SPECIAL PERMIT FOR LAND CLEARING AT 16 HOUNDS DITCH LANE / LILIENTHAL**

Mr. Wadsworth reported that although Ms. Ladd Fiorini could not attend tonight's meeting, she had asked Mr. Wadsworth to notify Board members that she is friends with the abutting property owners, the Jordans. Ms. Ladd Fiorini had asked Mr. Wadsworth to find out if any Board member had an objection to her participation in the public hearing process. Board members had no objections.

Mr. Bear disclosed that over eight years ago he had utilized legal services of Atty. Paul Driscoll, who has been retained as the applicant's legal counsel. Board members had no objection to Mr. Bear's participation in the public hearing process.

Mr. Broadrick discussed the upcoming site walk, noting that the homeowner does not want the public to walk on his property. Mr. Broadrick cautioned the Board members that they may want to save any discussion for after the site visit when they are back on the public way with any members of the public who may be there. Mr. Glennon agreed, noting that any discussion should occur in the public way and that there should be no *ex parte* communication with the property owner or anyone else during the site walk. Mr. Bear cautioned that Board members need to be careful about what they say and how they say it.

Mr. Casagrande and Mr. Wadsworth noted that the property has been marked with concrete bounds. Mr. Wadsworth noted that there is a good view of the property from across Tremont Street on the other side of Dead Man's Curve; however it would be too dangerous for anyone to walk across the road. He recommended that Board members drive by as often as they can to get an idea of the passing motorists' view.

Mr. Bear asked if the consulting engineer will be there, and Mr. Broadrick responded that neither of the landscape architects at Horsley Witten is available to go on the site walk. Mr. Broadrick did offer that Ms. Jane Estey of Horsley Witten could attend; however she is not a landscape architect. After discussion, Board members agreed that Ms. Estey should not be asked to attend the site walk.

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Mr. Broadrick noted that the site visit has been posted with Town Clerk. Mr. Wadsworth reported that the property owner, Mr. Lilienthal, and his representatives -- Mr. Mark Casey of South Shore Survey and Mr. Steven Tomasi of Tomasi Nurseries -- are expected to attend the site walk.

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## OTHER BUSINESS

### Engineering Invoices:

**MOTION:** Mr. Bear made a motion, and Mr. Glennon provided a second, to approve the following Amory Engineers invoices:

- Invoice #13868A dated August 14, 2012 in the amount of \$150.00 for services related to the Village at Duxbury, to be paid from an escrow account established with the Zoning Board of Appeals
- Invoice #13868B dated August 14, 2012 in the amount of \$2,401.25 for services related to Cape Verde Terrace Definitive Subdivision.

**VOTE:** The motion carried unanimously, 5-0.

### Meeting Minutes:

**MOTION:** Mr. Glennon made a motion, and Mr. Casagrande provided a second, to approve meeting minutes of August 27, 2012 as amended.

**VOTE:** The motion carried unanimously, 5-0.

Zoning Bylaw Review Committee: Mr. Wadsworth reported that the committee's report is due to be released soon, and the committee is expected to meet with the Board of Selectmen.

## ADJOURNMENT

The Planning Board meeting adjourned at 8:50 PM. The next Planning Board meeting will take place on Monday, September 24, 2012 at 7:00 PM at Duxbury Senior Center.

## MATERIALS REVIEWED

### SPECIAL PERMIT FOR RESIDENTIAL CONSERVATION CLUSTER: FISHER RIDGE

- Public hearing notice stamped in with Town Clerk on 08/23/12
- RCC Special Permit application and plans submitted on 08/23/12
- GIS map, Assessor's Property Card, and Pictometry orthophoto
- Letter from P. Brennan of Amory Engineers to PB dated 08/16/12 re: consulting engineer review

### OTHER BUSINESS

- Amory Engineers invoice #13868A dated 08/14/12 re: The Village at Duxbury
- Amory Engineers invoice #13868B dated 08/14/12 re: Cape Verde Terrace
- Draft minutes of 08/27/12
- DHCD Conference Flier: "Chapter of 40B: Past, Present & Future" in Randolph on 09/28
- Construction Cost Estimates for August 2012
- Horsley Witten Opens Boston Office email dated 09/05/12

# SIGN IN SHEET

September 10, 2012

Initial Public Hearing:  
Fisher Ridge RCC / Koplovsky  
Off Summer Street

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*Please print your name and address for our records:*

Name  
Frank Duggan

Address:  
41 Keene St Duxbury

STEPHEN KOTLOVSKY

WEBBY ENGINEERING (FISHER RIDGE)

Pat Brennan

Amory Engineers, Depot St.

Edmund Rzy

High ST  
Braun Frank Nominal Trust