



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
15 MAY 12 PM 12:27
DUXBURY, MASS.

Minutes 04/13/15

The Planning Board met on Monday, April 13, 2015 at 7:00 PM at Duxbury Town Hall, Small Conference Room and Mural Room, 878 Tremont Street.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Scott Casagrande, Jennifer Turcotte (remote participation via telephone); and David Uitti.

Absent: No one was absent.

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

Mr. Wadsworth called the meeting to order at 7:00 PM in the Small Conference Room. He advised Board members that the Mural Room has become available because the Board of Selectmen met this morning rather than in the evening.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to recess to the Mural Room for tonight's Planning Board meeting.

VOTE: The motion carried 6-0 (Ms. Turcotte was not present for the vote).

Therefore the Planning Board moved to the Mural Room for the remainder of the meeting.

OPEN FORUM

Planning Board Re-Election: Mr. Glennon congratulated Mr. Bear on his re-election to the Planning Board.

ELECTION OF PLANNING BOARD OFFICERS AND COMMITTEE ASSIGNMENTS

Mr. Wadsworth noted that this is the Planning Board's annual election of officers following Town Elections. He entertained a motion for chairman of the Planning Board.

Mr. Casagrande made a motion to nominate Mr. Glennon as Planning Board chairman, and Mr. Glennon stated that although he was delighted at the nomination, he must respectfully decline due to his work schedule. Mr. Casagrande withdrew his motion.

MOTION: Mr. Glennon made a motion, and Mr. Bear provided a second, to nominate Mr. Wadsworth as chairman of the Planning Board.

DISCUSSION: Mr. Wadsworth stated that he was willing to continue to serve.

VOTE: The motion carried unanimously, 6-0.

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

TOWN CLERK

Mr. Wadsworth entertained a motion for Planning Board vice chairman.

15 MAY 12 PM 12: 27

MOTION: Mr. Bear made a motion, and Mr. Uitti provided a second, to nominate Mr. Glennon as vice chairman of the Planning Board.

DUXBURY, MASS.

DISCUSSION: Mr. Glennon stated that he was willing to continue to serve.

VOTE: The motion carried unanimously, 6-0.

Mr. Wadsworth entertained a motion for Planning Board clerk.

MOTION: Mr. Uitti made a motion, and Mr. Casagrande provided a second, to nominate Ms. Ladd Fiorini as clerk of the Planning Board.

DISCUSSION: Ms. Ladd Fiorini stated that she was willing to continue to serve.

VOTE: The motion carried unanimously, 6-0.

Therefore all Planning Board officers were re-elected. Board members deferred discussion of committee assignments until later.

ANR PLAN OF LAND: 184 STANDISH STREET

Present for the discussion were the applicant, Mr. Eric Pontiff, and his representative, Mr. Rick Grady of Grady Consulting LLC in Kingston. Mr. Broadrick explained that the applicant is splitting off the existing dwelling with the balance of land to be added to a Definitive Subdivision that has been filed concurrently. Mr. Wadsworth asked Mr. Grady to present the plan.

Mr. Grady stated that the property has 201 feet of frontage on Standish Street, and the 2.53 acre parcel is to be divided into 1.5 acres on Standish Street with the existing dwelling, and one acre in the back to be combined with 80 Myles View Drive.

Mr. Bear asked about a discrepancy between the Standish Street frontage listed on the plan submitted (201.11') and the Assessor's Vision GIS map (198.98'). Mr. Grady responded that there is sometimes a discrepancy on the Assessor's map; however, the plan is taken from a survey at the site. He also noted that a cement bound and stone bound mark the frontage on Standish Street.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, to endorse a plan of land entitled, "Plan of Land, #184 Standish Street, Duxbury, Massachusetts," dated March 12, 2015, prepared by Grady Consulting, LLC, 71 Evergreen Street, Suite 1, Kingston, MA 02364, stamped and signed by Peter E. Tuttle, PLS on March 12, 2015, scale 1" = 40' as not requiring approval under Subdivision Control Law.

VOTE: The motion carried unanimously, 6-0.

The Planning Board endorsed the mylar and two paper sets of plans. Mr. Grady signed the mylar release form and took the mylars with him for recording at the Registry of Deeds.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: LITTLETOWN WAY, OFF TREMONT STREET / NASS & ALFIERI

Mr. Wadsworth opened the public hearing at 7:58 PM. Ms. Ladd Fiorini noted the correspondence list on file for the public record:

- PB minutes of 02/11/15 and 02/23/15
- Mutual extension form signed by PB and applicant on 03/09/15 continuing public hearing to 04/13/15 with decision deadline of 04/30/15
- Letter from M. Casey of South Shore Consultants, Inc. submitted to Planning Office via email on 03/20/15 re: abutter's issues with proposed subdivision
- Email from T. Broadrick to M. Casey dated 03/20/15 re: confirmation of receipt of letter
- Emails between L. Alfieri and D. Grant dated 03/20/15 – 03/23/15 re: Mullins Rule
- Emails between M. Casey, T. Broadrick and P. Brennan et al. dated 03/20/15 – 03/23/15 re: abutter's concerns
- Emails between T. Broadrick and N. Pickering-Cook et al. dated 03/24/15 re: APOD dimensional requirements
- Letter from C. Allen of Duxbury Yacht Club dated 03/24/15 re: issues with proposed subdivision
- Letter from L. Alfieri dated 03/27/15 re: Mullins Rule
- Email from T. Broadrick to M. Casey et al. dated 04/01/15 re: addressing issues
- Emails between T. Broadrick and N. Pickering-Cook dated 03/27/15 – 04/01/15 re: Mullins Rule
- Emails between C. Stein, T. Broadrick, J. Hartford and L. Alfieri dated 03/18/15 – 04/07/15 re: Local Historic District
- Letter from M. Casey dated 04/08/15 re: abutter's traffic concerns
- Emails between T. Broadrick and L. Alfieri dated 04/08/15 – 04/09/15 re: Mullins Rule
- Alternative driveway plans submitted by D. Orwig to T. Broadrick at PB site visit on 04/11/15
- Affidavit of Service signed by J. Turcotte and stamped with Town Clerk on 04/13/15 re: 11/10/14 PB meeting
- Emails from T. Broadrick to T. Vose and C. Skelly re: Local Historic District jurisdiction
- Emails between T. Broadrick and T. Mayo dated 04/13/15 re: test pits
- Email from D. Grant to P. Brennan dated 04/13/15 re: alternative driveway plans.

Present for the discussion were the applicant, Atty. Lee Alfieri, and his representatives: Mr. Daniel Orwig of Orwig Associates in Duxbury; and Mr. Jeffrey Dirk of Vanasse & Associates, Inc. in Andover. Also present was Mr. Patrick Brennan of Amory Engineers, the town's consulting engineer.

Mr. Wadsworth announced that Ms. Turcotte would be participating remotely by telephone due to geographic distance. Atty. Alfieri stated that he had no issue with Ms. Turcotte participating remotely. Mr. Bear recused himself from the discussion because he was ineligible to participate due to the Mullins Rule.

Mr. Broadrick stated that the Planning Board had attended a site visit on Saturday, April 11, 2015 at 9:00 AM. He stated that Atty. Alfieri and Mr. Orwig were present for the site visit. Mr. Wadsworth noted that the main purpose of the site visit was to view the sight lines along Tremont Street in order to determine the best access point for the subdivision. He stated that the site is located at an elevation below the road. He noted that the proposed drainage area would not be observable. He stated that they had seen where the proposed dwelling would be situated and saw the golf course that abuts the property. He noted that it may be challenging to figure out where to locate one of the dwellings because it will need to be located outside the Aquifer Protection Overlay District (APOD). He noted that the septic will need to be located outside the APOD, but the road may be located within the APOD.

Mr. Glennon also noted that the topography slopes down from Tremont Street onto the property. He stated that tonight the Planning Board may learn where proposed rain gardens are to be located, along with the proposed roadway. He stated that it may be preferable to combine access for the new lots with access for the abutting properties that currently use an easement on the land where the proposed subdivision is located.

Mr. Uitti stated that he had walked the property with Mr. Broadrick prior to the Planning Board site walk because he had a conflict with the scheduled meeting time. He agreed with Mr. Glennon that the roadway could be sited so that it would combine with the abutters' access. He noted that the proposed subdivision roadway would be like a typical driveway along Tremont Street, where the traffic is already quite busy.

Mr. Wadsworth noted that there appear to be good sight lines from the proposed subdivision on Tremont Street, and Mr. Uitti agreed. Mr. Casagrande stated that he agreed that the access along the existing right-of-way is a good idea. He urged abutters to take a second look at combining the road because it would provide a safer entrance/exit with a wider set up to improve vehicles passing each other.

Ms. Ladd Fiorini stated that the forested area in the back provides a good amount of buffer. She noted that the Duxbury Yacht Club appears to have removed a lot of trees from their buffer on the abutting property. She stated that she agrees with Mr. Casagrande and Mr. Glennon about the location of the roadway. She stated that she would like to hear more about the proposed detention pond.

Mr. Broadrick noted updates on the following issues raised:

- Although an abutter had a concern, the Local Historic District Commission will have no jurisdiction on the proposed subdivision.
- Ms. Turcotte had asked about percolation tests, and according to Ms. Tracy Mayo, Health Agent, percolation tests performed after 1995 are valid forever.
- Town Counsel had submitted an opinion in response to a Planning Board question that dimensional requirements can encroach on the APOD, although structures must be located outside the APOD.
- Due to a challenge posed by Atty. Alfieri, Town Counsel has advised that Planning Board members must be present only at public hearings where testimony is heard, and public hearings where no testimony is given do not count toward the Mullins Rule. Therefore all Planning Board members except Mr. Bear are eligible to participate in the public hearing and vote.

Atty. Alfieri distributed an undated eight-page memorandum with an attached 6-page letter from Mr. Dirk of Vanasse & Associates, a transportation engineer and traffic expert. He stated that although abutters have raised concerns regarding traffic safety, according to the study performed by Mr. Dirk, there is no traffic safety concern.

Mr. Dirk stated that he is a principal at Vanasse & Associates. He stated that he was asked to review the proposed access and its proximity to a dirt right-of-way to the south and the DPW driveway across Tremont Street. He stated that there are three critical factors: speed of traffic intersecting the proposed road; volume both on the intersecting road and on the proposed road; and sight lines.

Mr. Dirk stated that based on the estimate of one trip per residence during peak hours, there would not be a large volume of traffic. He stated that the DPW driveway is located approximately 60 feet to the south of the proposed roadway and although it would have a higher peak volume it would not interfere with the abutters' ability to enter /exit the subdivision and abutting properties. He noted that the speed limit on Tremont Street is 40 mph and the traffic moves at +/-5 mph. He noted that there would be a good sight line for vehicles stopping to enter the proposed subdivision, and pretty good sight lines exiting the proposed subdivision, approximately 450 feet in both directions. Mr. Dirk stated that it would be good to combine the right-of-way and the proposed roadway, but noted that even if they were separate each could operate in a safe manner.

Mr. Wadsworth asked Mr. Dirk if it would be preferable to line up the proposed roadway to be more directly across from the DPW driveway, and Mr. Dirk responded that it would be ideal to line them up but not critical. Ms. Ladd Fiorini asked if he would still recommend the roadway to be combined even though it would potentially serve six houses rather than three, and Mr. Dirk responded that it would be okay at that volume.

Mr. Wadsworth asked if the road were to be moved, if it would provide a challenge for gaining frontage for Lot B, and Atty. Alfieri stated that it may be possible but it may require street layout waivers especially due to the slope of the cul de sac. The cul de sac might need to be longer and thinner in order to meet frontage requirements. Mr. Casagrande stated that he was not sure that would be needed if the roadway were to be combined with the existing right-of-way. Ms. Turcotte noted that additional waivers could potentially be

negotiated if need be in order to improve the design. Mr. Wadsworth noted that the Planning Board typically asks the applicant to meet the bylaws prior to requesting waivers. Mr. Broadrick noted that while he is sympathetic to Ms. Turcotte's point of view, the local street was incorporated in Subdivision Rules and Regulations as a street design option that would provide an option for small subdivisions at a narrower width and no sidewalk requirement. Now the applicant may be requesting a waiver on a local street. He stated that the Planning Board may want to consider whether to continue granting waivers on a routine basis.

Mr. Joel Stein of 879 Tremont Street asked why the access cannot be moved closer to the Miles house at 907 Tremont Street. Mr. Wadsworth noted that 907 Tremont is not part of the proposed subdivision. Mr. Orwig stated that it might be possible to keep the driveway at 907 Tremont, although the line of sight gets worse toward the north end of the site and the proposed access appears to be the safest. Mr. Stein noted that during construction there will be additional vehicles accessing the property. He stated that the traffic study does not support what he has seen. Mr. Dirk stated that even if the traffic were doubled or tripled it would not be a safety issue as long as drivers can see approaching vehicles. Mr. Wadsworth noted that traffic safety standards appear to be met for this subdivision.

Mr. Mark Casey stated that he was representing the owner at 881 Tremont Street, Mr. David Lowry. He noted that the DPW has performed a facility study that shows that 23-29 employees access the DPW facilities daily, which he estimated at 106-122 trips per day. He stated that the number of trips is comparable to an 11-12 lot subdivision. He stated that the DPW driveway could be considered a street. He stated that for safety reasons the access to Littletown Way should be moved north as much as possible.

Mr. Uitti noted that the applicant has provided an expert who has performed a traffic study, and asked if Mr. Casey has done a similar traffic analysis to back up his statements. Mr. Casey stated that he is using information from the DPW Director and standards from the Subdivision Rules and Regulations. Mr. Uitti stated that traffic volume and intersection alignment should be based on traffic standards. Mr. Wadsworth added that driveways do not need to be located directly across from streets. Streets need to be lined up with streets. Mr. Casagrande stated that he has never seen a subdivision that reduces traffic congestion. He stated that he feels strongly that the DPW access is a driveway, not a road. He noted that the DPW employees work off site of the facility during most of the day. Mr. Wadsworth added that the Town Hall and church entrances to the south of the DPW facility are also driveways and not streets.

Mr. Casey stated that if the DPW facility was a two-lot subdivision then a 200-foot separation would be required. He questioned why it is not an issue because the DPW driveway functions as a street. Mr. Dirk noted that it does make a difference whether an access is considered a driveway or a roadway based on volume. If it is functionally classified as a roadway, then the 200 feet of separation would come into play. However, in this case the DPW access is a driveway.

Mr. Wadsworth asked Mr. Dirk from a safety point of view whether he would rather see the road where it is designed or further away, and Mr. Dirk responded that sight lines would be the critical factor.

Mr. Kim Abplanalp of 120 Myrtle Street stated that safety should be strongly considered, and Mr. Wadsworth responded that the applicants' traffic expert has reported that safety standards have been met.

Ms. Cathy Stein of 879 Tremont Street stated her concern with current traffic when slowing down to enter her driveway heading south on Tremont Street because drivers behind her believe that she will be turning onto Depot Street. She also stated that she has observed that vehicles turning from Depot Street onto Tremont Street heading north do not stop at Depot Street. Mr. Casagrande stated that Ms. Stein's access is currently hidden, and with the subdivision the access will be more obvious. Ms. Turcotte stated that Ms. Stein has provided the exact reason the access should be combined, or at least moved north as much as possible.

Atty. Alfieri asked Mr. Dirk if the traffic is safe now, and Mr. Dirk replied, "Yes." Atty. Alfieri stated that there are no safety issues at this time, although it could be made safer by relocating the way to make one common access point for both the subdivision and the abutters who utilize the existing right of way. Atty. Alfieri stated that the law does allow the property owners to relocate the Stein's driveway, either by agreement or by a court judgment that determines that the relocation does not adversely affect them. He noted that Mr. Lowry does not want to relocate his access either.

Mr. Glennon stated that the primary concern for everyone is safety. He confirmed with Ms. Stein that they however do not wish to see their driveway relocated. Ms. Stein stated that she has issues with more vehicles, and moving the proposed roadway next to the driveway would also create problems. Ms. Ladd Fiorini noted that combining the access would provide a stop sign and a wider access which would increase safety. Mr. Stein responded that if they had wished to live in a subdivision they would have moved to a subdivision. Mr. Casey also confirmed that Mr. Lowry is not interested in moving the right of way.

Atty. Alfieri reminded the board that if the subdivision plan meets Subdivision Rules and Regulations then the applicants are entitled to subdivision approval. Ms. Turcotte noted that there may be one waiver that would not meet Subdivision Rules and Regulations, and advised Atty. Alfieri to meet all requirements. Atty. Alfieri clarified that he was talking about the road because it has been proven that there are no safety issues. He stated that if the abutters are so concerned about safety, they should allow their right of way to be widened.

Atty. Alfieri stated that there is a signed purchase and sales agreement on 907 Tremont Street, and the buyers have the option to purchase an easement across Lot A, subject to a number of conditions, one being the Planning Board approval for them to use Littleton Way. He stated that he would appeal if the Planning Board made a condition of approval that there would be no access for 907 Tremont Street. He noted that the sight lines are worse at 907 Tremont because of a curve toward Harrison Street. Mr. Wadsworth noted that 907 Tremont is not a part of the proposed subdivision, and he would like to focus on the subdivision.

Mr. Uitti asked Atty. Alfieri if he had spoken with the abutters about the possibility of moving the roadway further to the north, and Atty. Alfieri responded that he had not, other than discussing with Mr. Lowry that if the roadway were to be moved north there would be a significant amount of fill due to a steeper slope, moving the access to a more dangerous sight distance.

Mr. Casagrande asked if the applicants would consider looking at moving the road to the north by 60 feet. Mr. Orwig stated that they would look into that option. Mr. Uitti noted that the applicants' expert has stated that 305 feet would be a safe sight distance.

Mr. Chris Allen spoke representing the Duxbury Yacht Club which owns a golf course that abuts the proposed subdivision. He expressed the club's concern with proposed tree removal at the subdivision site, and requested that a 50-foot buffer be required on Lot B and 100 feet on Lot A. Mr. Casagrande noted that many trees have been removed on the Yacht Club's side of the property, and Mr. Allen responded that the clearing has been in the works for a long time in order to improve playability of the golf course. Mr. Glennon stated that the Planning Board does not have jurisdiction over trees within a proposed subdivision, noting that Ms. Lorrie Hall from the Open Space Committee had proposed a tree bylaw this past Annual Town Meeting which was withdrawn due to lack of public support.

Mr. Orwig stated that currently the applicants' property is vegetated up to 150 feet and there used to be approximately 30-50 feet of vegetation on the Yacht Club side but that has been cleared. He stated that the applicants offered to sell their property to the Yacht Club but the offer was declined. He stated that the applicants are agreeable to work something out with the Yacht Club.

Mr. Wadsworth noted that the applicants are currently proposing a waiver for the detention pond. A four-foot depth is allowed and 6-7 foot depth is proposed. Mr. Orwig stated that he has drawn a sketch plan with a four-foot depth but it would require more trees to be cut along Tremont Street. He noted that Ms. Turcotte had brought up an idea to combine the proposed rain garden with a subsurface detention pond and he has a sketch plan. Runoff would move into two rain gardens with a depth of 2-3 feet and no tree removal and no grading would be required. A proposed catch basin would also be eliminated. He noted that moving the road might split the rain gardens.

Mr. Casagrande asked about the proposed height of the rain garden near the Stein property, and Mr. Orwig responded that some of the planting could be taller in order to provide more of a buffer to the Stein property. Mr. Wadsworth stated that with land in the Aquifer Protection Overlay District, it is important for stormwater to be cleaned as much as possible, noting that rain gardens accomplish this goal. Mr. Orwig noted that more calculations need to be done, and a drainage structure may need to be placed underneath the rain garden.

Mr. Casey noted that he does not see how the proposed subdivision meets Subdivision Rules and Regulations requiring the drainage aprons and swales to be located on a separate lot; and the requirement to protect existing abutting homes. Mr. Wadsworth noted that this is a two-lot subdivision. Mr. Casey stated that he does not see how it can be done without waivers. Mr. Broadrick noted that for local streets, Subdivision Rules and Regulations allow rain gardens within a cul de sac. He stated that the Planning Board thinks carefully about negotiating to minimize waivers.

Mr. Glennon asked if combining the road and right-of-way could be considered before moving the roadway to the north, stating that he would have a concern with not combining the road and the right of way because it would provide just one entrance to all the houses. Ms. Stein objected to the different dimensions of the road that would be required. Mr. Casagrande pointed out that the right-of-way is located on the Alfieri/Nass property right now.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to continue the public hearing for the Littleton Way Definitive Subdivision / Nass & Alfieri to Monday, May 11, 2015 at 7:10 PM, with revised plans and materials due by Monday, May 4, 2015.

VOTE: Because Ms. Turcotte was participating remotely due to geographic distance, a roll call vote was taken. Mr. Wadsworth voted yes; Mr. Glennon voted yes; Ms. Ladd Fiorini voted yes; Mr. Casagrande voted yes; Ms. Turcotte voted yes; Mr. Uitti voted yes. Therefore, the motion carried unanimously, 6-0.

The Planning Board and Atty. Alfieri signed a mutual extension form.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: MCLEAN'S WAY OFF BOW STREET / REINHALTER

Mr. Wadsworth opened the continued public hearing at 9:18 PM. Ms. Ladd Fiorini noted the correspondence list on file for the public record:

- Mutual extension form signed by the applicant and PB on 03/23/15 and stamped with Town Clerk on 03/24/15
- Cover letter with revised drainage calculations and plans dated 03/30/15
- Emails between D. Grant, P. Palmieri and T. Broadrick dated 04/06/15 – 04/07/15 re: revised plans.

Present for the discussion were the applicant, Dr. Emil Reinhalter, and his representative: Mr. Rick Grady of Grady Consulting LLC in Kingston. Also present was Mr. Peter Palmieri of Merrill Associates in Hanover, the town's consulting engineer. Mr. Wadsworth announced that Ms. Turcotte would be participating remotely by telephone due to geographic distance.

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DUXBURY MASS

Mr. Grady presented revised plans, noting that the rain gardens have been revised slightly. He stated that he is still working with Mr. Palmieri to make sure runoff is captured and they are down to only 3-4 comments. He stated that the rain gardens may become more elongated to make it more likely to catch runoff.

Ms. Ladd Fiorini asked if there had been an issue with maintenance and access to the drainage areas, and asked where the access would be located. Mr. Grady stated that the drainage on the front lot will be conveyed to the DPW at some point. The overflow Rain Garden A will follow the roadway and provide drainage for emergency overflow. The existing dwelling at the drainage lot will be razed and evergreens and other lower vegetation will be planted.

Mr. Glennon confirmed that drywells will still be required on the proposed dwellings. Mr. Wadsworth asked if a drainage basin could be incorporated into the rain garden design and Mr. Grady replied that they would probably not propose this because they would not want to run a pipe down the roadway.

Mr. Glennon asked about the pervious pavement proposed, and Mr. Grady replied that two driveways would be changed so that stormwater sheets down the hill and one driveway would use pervious pavement. Mr. Glennon asked if that one lot would have a permanent deed restriction, and Mr. Grady responded that it would. Mr. Bear asked if a Homeowners' Association could put a restriction on only one property, and Mr. Casagrande responded that typically an Operations & Maintenance Plan would have requirements that are taken on by all five lots.

Ms. Turcotte lost communication with the Planning Board at this point (9:28 PM).

Mr. Palmieri of Merrill Associates, the town's consulting engineer, noted that the rain garden has been revised but there is not a lot of detail accompanying the plan to date. He noted that there is another revised plan that the Planning Board has not seen yet with details to be added. Mr. Wadsworth stated that he would like to see a cross section of the rain garden and a listing of plants to be used. Mr. Palmieri stated that the emergency drainage will likely never be used but it is required by Subdivision Rules and Regulations. Mr. Glennon stated that it is important that runoff does not drain toward the abutting Moriarty property.

Mr. Broadrick noted that the Planning Board would like to see all five homeowners as participants in the Homeowners Association, and asked what would happen if the road were to become a public way. Mr. Grady agreed that a Homeowners' Association is part of the conditions of approval for the subdivision. Mr. Palmieri noted that often the Homeowners' Association would maintain responsibility for the drainage systems and the DPW would be granted access for emergency repairs.

Mr. Wadsworth noted that the Homeowners' Association generally takes responsibility for snow plowing prior to public acceptance of the road, and Mr. Uitti noted that typically an assessment is outlined in the rights and responsibilities of the Homeowners' Association, and if the town accepts the roadway the town would take up any further issues with the Homeowners' Association.

Mr. Broadrick asked if Mr. Palmieri is all set, and Mr. Palmieri responded that he would need to review the final set of plans. Mr. Broadrick requested that the applicants submit a final set of revised plans for Mr. Palmieri to review, and also a proposed Homeowners' Association, covenant, Operations & Maintenance Plan, and then staff will prepare a draft decision.

Mr. Wadsworth noted that waivers need to be granted also, and Mr. Broadrick stated that the Planning Board should see the final set of plans before granting any further waivers.

MOTION: Mr. Bear made a motion, and Mr. Casagrande provided a second, to continue the public hearing for McLean's Way Definitive Subdivision / Reinhalter to Monday, May 11, 2015 at 7:15 PM, with revised plans and materials due by Monday, May 4, 2015.

VOTE: The motion carried unanimously, 5-0.

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

The Planning Board and Dr. Reinhalter both signed a mutual extension form.

DISCUSSION OF ANNUAL TOWN MEETING

Board members reviewed a spreadsheet of Annual Town Meeting zoning article votes. Mr. Wadsworth stated that he was happy with the results of the Wetlands Protection Overlay District (WPOD) zoning articles, which were citizen petitions to modify the WPOD line on certain parcels. The proposal to modify the WPOD line on North Street (009-010-001) failed and a proposal by the same owner, Ms. Pamela Ness, to modify another parcel on North Street (023-010-001) was indefinitely postponed. A proposal by a different owner, Mr. Garth Hoffman, to modify the WPOD line at 0 Congress Street was also indefinitely postponed.

Mr. Casagrande stated that it would be reasonable to fix the approach to providing relief to the WPOD, possibly through a special permit. Mr. Glennon noted that the WPOD line can only be amended by Town Meeting, and Mr. Broadrick clarified that the applicant would apply for a special permit to construct within the WPOD. Mr. Broadrick stated that he would recommend that the Planning Board be the special permit granting authority, using wetlands and soil studies. Mr. Casagrande stated that the vetting process would be much better with a special permit. Mr. Broadrick stated that if the WPOD needs to be revised it should be the Planning Board's responsibility to guide the process.

Ms. Ladd Fiorini noted that at this year's Annual Town Meeting the Finance Committee voted to recommend all three articles and the Board of Selectmen voted to recommend two of the three articles without adequate information and no reason to weigh in on those zoning articles. Mr. Bear noted that it is up to the Town Moderator to decide which articles the Finance Committee and Board of Selectmen should recommend.

Board members then addressed the ground-mounted solar array article that they had sponsored then withdrew. Mr. Broadrick reported that he has been attending webinars and workshops on solar energy, including solar canopies. He suggested that the Planning Board could pursue potential zoning bylaws regarding the WPOD and solar. Another issue to look at might be porous pavement and its effect on site coverage (outside the Aquifer Protection Overlay District). He noted that while porous pavement appears to function effectively in providing drainage, it does not provide treatment of phosphorous or nitrogen. He noted that consistency of the pavement is key and maintenance is controversial. Some guidelines say that it must be vacuumed once per month and others say it should be vacuumed once per year.

Mr. Casagrande stated that Definitions should be reviewed, and possibly overlay districts should be proposed for areas that are "size-challenged" like Gurnet Road and Soule Avenue areas. Mr. Bear noted that on Josselyn Avenue a property owner found a way to work around zoning bylaws by creating condominiums.

Mr. Bear suggested that the Planning Board should schedule work sessions at least every other meeting, noting that the Planning Board had not introduced any substantial measures in the past 8 to 10 years. Ms. Ladd Fiorini noted that they are waiting for the Zoning Bylaw Review Committee to make its recommendations. Mr. Casagrande stated that the ZBRC hopes to have its recommendations completed by the second year.

ADJOURNMENT

The Planning Board meeting adjourned at 9:27 PM. The next Planning Board meeting will take place on Monday, April 13, 2015 at 7:00 PM at Town Hall, Small Conference Room, 878 Tremont Street.

TOWN CLERK
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DUXBURY, MASS.

MATERIALS REVIEWED

Election of Planning Board Officers and Committee Assignments

- PB Committee Appointments spreadsheet dated 04/07/15

ANR Plan of Land: 184 Standish Street / Pontiff

- ANR application and plan submitted on 03/23/15
- Vision GIS map, aerial photo, and Assessor's property card

Continued Public Hearing, Definitive Subdivision: Littleton Way, off Tremont Street / Miles & Alfieri

- Letter from M. Casey submitted 03/20/15 re: Abutter's concerns
- Emails between M. Casey and T. Broadrick et al. dated 03/20/15 – 03/23/15
- Emails between N. Pickering-Cook and T. Broadrick dated 11/24/14 – 03/24/15
- Letter from C. Allen of Duxbury Yacht Club dated 03/24/15
- Letter from L. Alfieri dated 03/27/15
- Email from T. Broadrick to M. Casey et al. dated 04/01/15
- Email from N. Pickering-Cook to T. Broadrick dated 04/01/15
- Emails between T. Broadrick and J. Hartford dated 03/31/15 – 04/07/15

Continued Public Hearing, Definitive Subdivision: McLean's Way, off Bow Street / Reinhalter

- Cover sheet and revised plans dated 03/30/15 submitted by Grady Consulting on 04/01/15

Discussion of Annual Town Meeting

- PB Votes ATM 2015

Other Business

- Construction Cost Estimates for March 2015
- ZBA Decision: 31 Josselyn Avenue / Kennelly
- "Distance Between Jobs and Homes Growing in Most Metro Areas," *Boston Business Journal* article dated 03/24/15

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April 13, 2015

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Lu An

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Van Amis

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Chris Allen

56 Captain's Hill RD
