



Town of Duxbury Massachusetts Planning Board

Approved 06/08/2015

TOWN CLERK
15 JUL 17 AM 8:38
DUXBURY, MASS.

Minutes 05/11/15

The Planning Board met on Monday, May 11, 2015 at 7:00 PM at the Duxbury Senior Center, Ellison Room, 10 Mayflower Street.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Scott Casagrande, Jennifer Turcotte, 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 7:03 PM.

OPEN FORUM

Economic Advisory Committee (EAC): Mr. Bear reported that he has been reviewing old documents from the Hall's Corner Revitalization project done in 1976, and the issues reviewed in that study were parking / traffic / appearance, just like the current study being done by the EAC. He stated that it appears that in 1978 the brick sidewalk was constructed and crosswalks and stop signs were put in place, along with improved drainage. He stated that within the next two months he hopes to submit a short list of topics to the Planning Board.

Old Colony Planning Council (OCPC): Mr. Broadrick invited Board members to the OCPC annual meeting on May 28, 2015 at 7:30 PM, with guest speaker John Mullins, the author of the "Mullins Rule," a Massachusetts General Law which governs municipal voting requirements for adjudicatory hearings.

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

Mr. Wadsworth opened the continued public hearing at 7:08 PM. Present for the discussion were the applicant, Dr. Emil Reinhalter, and his representatives: Mr. Rick Grady of Grady Consulting, LLC, and Atty. Peter Freeman. Ms. Ladd Fiorini read the correspondence list into the public record:

- PB minutes of 03/23/15
- Mutual extension form signed by the applicant and PB on 04/13/15 and stamped with Town Clerk on 04/14/15
- Draft PB minutes of 04/13/15
- Cover letter dated 04/30/15 with revised plans dated 04/29/15 and revised drainage calculations dated 04/07/15
- "Declaration of Covenants and Restriction Establishing McLean's Way Homeowners Association," submitted by E. Reinhalter on 05/04/15
- Letter from P. Palmieri dated 05/05/15 re: Peer review of revised plans
- "Affidavit of Service" submitted by J. Bear and stamped with Town Clerk on 05/07/15
- Emails between D. Grant and T. Kelso dated 05/08/15 re: Town Historian approval of proposed street name
- Emails between T. Broadrick and P. Palmieri dated 05/11/15 re: Consulting engineer cannot attend 05/11/15 public hearing.

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

Mr. Wadsworth asked Mr. Grady to present the revised plans. Mr. Grady stated that the plans show minor revisions to outlet structures on Lots 4 and 5. He stated that the applicants have also submitted a draft Homeowners' Association for the Planning Board to review.

Mr. Wadsworth noted that the drainage structures on Lots 4 and 5 are to be maintained by the homeowners until a Homeowners Association is put into effect, and eventually the Town of Duxbury will take over the maintenance. He asked how anyone is to know the boundaries of the drainage structure. Mr. Grady replied that there would be a chain of title through deeds and also the easements are shown on the plans. Mr. Wadsworth asked if it would make sense to place boundaries around the drainage easements, and Mr. Grady responded that he could do it. Ms. Turcotte noted that it would require a large number of bounds, and Mr. Grady suggested that he could install rebar and caps instead of cement bounds. Ms. Turcotte agreed that this sounded like a viable solution. Mr. Broadrick stated that revised plans must be drawn to show the location of those bounds.

Board members then reviewed the draft Declaration of Covenants and Restrictions Establishing McLean's Way Homeowners Association and made several edits for clarity.

Ms. Ladd Fiorini asked if one of the driveways would be porous pavement, and Mr. Grady replied that they had ended up with conventional pavement on all driveways.

Mr. Wadsworth asked if Mr. Peter Palmieri of Merrill Associates, the consulting engineer, is satisfied with the latest revised plans, and Mr. Broadrick replied, "Yes." Mr. Bear stated that Mr. Palmieri's report was very well written.

Mr. Wadsworth asked for public comments before the public hearing is closed.

Ms. Linda Moriarty of 52 Bow Street asked how drainage issues brought up at the last public hearing had been resolved. She stated that she lives downhill from the proposed subdivision and has never had drainage issues in 27 years. Mr. Grady stated that no drainage is sloping toward the Moriarty property and no slopes are directed that way either. Instead, a swale has been added and runoff is diverted parallel to the property line.

Ms. Elizabeth Page of 57 West Street stated that she had been very much against previous applications but believes that the current subdivision plan is much better and safer, and she appreciates Dr. Reinhalter's responsiveness to abutters' concerns.

Board members then reviewed a draft decision and made edits. Mr. Bear asked if a performance bond would be required for maintenance of the road until the Homeowners Association has been formed, and Mr. Broadrick responded that a performance bond or surety would be required until an As-Built plan has been approved and Homeowners Association has been recorded at the Registry of Deeds. He noted that three property owners are needed to create the Homeowners' Association.

MOTION: Ms. Turcotte made a motion, and Mr. Casagrande provided a second, to close the public hearing for McLean's Way Definitive Subdivision / Reinhalter.

VOTE: The motion carried unanimously, 7-0.

Therefore the public hearing was closed at 7:45 PM. Mr. Wadsworth then entertained a motion for a vote on waivers as presented in the draft decision.

MOTION: Mr. Glennon made a motion, and Mr. Uitti provided a second, to approve five waivers as requested in a letter from Darren Grady of Grady Consulting, LLC dated February 6, 2015 submitted with the application, and listed in a draft decision for McLean's Way Definitive Subdivision / Reinhalter as follows:

- Section 6.1 Filing Fees
- Section 7.3.2 Pavement Width
- Section 7.3.2 Pavement Width (Berm)
- Section 7.3.3c. Cross-Section (Sidewalks)
- Section 7.3.7d.6.m. Stormwater – Drainage, Drainage Basin, Design (50-foot buffer).

VOTE: The motions carried unanimously, 7-0.

Mr. Wadsworth entertained a motion for a vote on the Definitive Subdivision application.

MOTION: Mr. Casagrande made a motion, and Mr. Uitti provided a second, to approve a decision for McLean's Way 5-lot Definitive Subdivision / Reinhalter as amended, with revised plans to be submitted reflecting the location of bounds for drainage easements on Lots 4 and 5.

VOTE: The motion carried unanimously, 7-0.

Mr. Wadsworth directed the applicant to submit revised plans and then the Planning Board Clerk will sign the final decision.

INITIAL PUBLIC HEARING, DEFINITIVE SUBDIVISION: MYLES VIEW DRIVE / PONTIFF

Mr. Wadsworth opened the public hearing at 7:50 PM. Present for the discussion were the applicant, Mr. Eric Pontiff, and his representative, Mr. Rick Grady of Grady Consulting, LLC. Also present was Mr. Patrick Brennan of Amory Engineers, town consulting engineer. Ms. Ladd Fiorini read the public hearing notice and correspondence list into the public record:

- Definitive Subdivision application submitted to the Planning Office and stamped in with Town Clerk on 03/23/15
- "Declaration of Trust Establishing Myles View Drive Association Trust and Declaration of Easements" submitted to the Planning Office on 03/25/15
- Emails between D. Grant and P. Brennan dated 03/30/15 re: Peer review assignment
- DRT notice dated 04/01/15
- Email from T. Broadrick to R. Grady dated 04/01/15 re: Conservation Commission filing required
- Emails between P. Brennan, D. Grant and T. Broadrick dated 04/06/15 re: Questions for peer review
- Emails between P. Brennan, T. Broadrick and D. Grant dated 04/06/15 re: Porous pavement question
- Letter from P. Brennan dated 04/06/15 re: Peer review of initial plans
- Emails between T. Broadrick and R. Grady dated 04/15/15 re: Abutters lists
- Public hearing notice stamped with Town Clerk and mailed to abutters on 04/21/15, and published in the Duxbury Clipper on 04/22/15 and 04/29/15
- Letter from T. Kelso dated 05/08/15 re: Town Historian historical note

Mr. Wadsworth asked Mr. Grady to present the subdivision plan. Mr. Grady reminded the board that he had met with them informally representing a previous owner. He stated that the original subdivision was approved in the 1960s. At the end of the road there is currently a gravel path known as Phelps Lane. He stated that they had looked at gaining access for this three-lot subdivision over Phelps Lane; however there was not adequate frontage. The applicants propose to extend the existing cul-de-sac as a local street with a hammerhead. The existing gravel drive which leads off the hammerhead would be maintained and there would be no change for those who gain access to their properties over Phelps Lane. A 50-foot right-of-way is proposed and a 14-foot wide paved local street. Both Lot A and Lot B have greater than 40,000 square feet of upland. He noted that

Mr. Pontiff would be meeting with the Conservation Commission the next night in order to approve wetlands lines through an Abbreviated Notice of Resource Area Delineation.

Mr. Grady reviewed proposed plans sheet by sheet. He noted that the roadway grade would be fairly level at 1.6 percent and no significant change is proposed. The soils in the area are loamy sand which has good percolation rates. He stated that porous pavement is proposed for the roadway, which would remain in private ownership. A Homeowners' Association will be created for Lots A and B. Individual septic is proposed and town water and a fire hydrant are available, and the fire hydrant meets the distance required by the Fire Department.

Mr. Glennon asked if Lot A would require a retaining wall because it is on a substantial grade.

Mr. Broadrick asked if the proposed driveways would be porous or non-porous, and Mr. Grady replied that they would be porous, as shown on Sheet 5.

Mr. Grady stated that he does not believe the maintenance will be as frequent as previously thought. He stated that he now has experience with porous pavement at his business parking lot and it survived a brutal winter with little maintenance and no runoff. He noted that this roadway is a low impact area with not a lot of traffic. Mr. Bear stated that the positive is that there is not much traffic but the negative remains that the roadway will need to be sanded and vacuumed.

Mr. Wadsworth asked for comments from Mr. Brennan, the town consulting engineer. Mr. Brennan noted that the proposal is to extend Myles View Drive approximately 210 feet in order to provide frontage and access for two new lots. Lot A is an existing vacant parcel at 184 Standish Street, and Lot B would be created by subdividing an existing 2.637-acre parcel at 80 Myles View Drive. He stated that there is currently a gravel access road that extends from the end of Myles View Drive to Phelps Lane, a private way north of the site.

Mr. Brennan stated that he has experience with porous pavement. He referenced his letter dated April 6, 2015 which outlines seven recommendations regarding the porous pavement. In addition, he noted that adding the 260 feet of roadway to the existing public way at 1,040 feet would extend the road to approximately 1,300 feet. He stated that a waiver should be required to allow for a dead end road greater than 1,000 feet in length.

Mr. Wadsworth stated that in all his years on the Planning Board, he had never seen a subdivision cul-de-sac greater than 1,000 feet in length. He stated that the town departments are concerned with the roadway length as a safety issue. He stated that he has never heard of a waiver being approved for roadway length, and that the Police and Fire Departments should be consulted. Mr. Grady responded that emergency access could be gained over Phelps Lane. Mr. Broadrick noted that Bravender Way was extended in the past in a similar way, as a private extension to a public way. He stated that the Department of Public Works could easily access the extension. However, he did agree that a waiver would be required.

Mr. Wadsworth recommended a site visit to ensure that the roadway would provide safe and adequate access for public safety equipment to reach all of the properties in the subdivision. Mr. Broadrick stated that he had not been present at the Development Review Team meeting and asked Mr. Brennan, who had attended, whether either the Police or Fire Department had commented on the access. Mr. Brennan stated that he did not recall any comments from either department. Mr. Wadsworth stated that both departments need to be contacted to submit an opinion to the Planning Board. Mr. Bear stated that the Fire Chief and Police Chief should both be invited to the site walk. The site walk was scheduled for Saturday, June 6, 2015 at 9:00 AM. Mr. Wadsworth asked if the street had been flagged, and Mr. Grady stated that they would mark out the hammerhead.

Mr. Brennan also noted that the one-inch diameter water service may need to be larger due to the length of the pipes at 200 -300 feet. Mr. Grady stated that he had met with Mr. Peter Mackin, Water Superintendent, and meter pits are to be installed. Mr. Brennan stated that Mr. Mackin had told him that the water pipes should be larger than one inch in diameter.

Mr. Brennan noted that an Environmental Impact Assessment is required and has not yet been submitted. Mr. Grady responded that he had not seen that requirement yet but will address it. Mr. Brennan recommended a crushed stone trench above the roadway wrapped in filter fabric so that only the top three inches would need to be replaced due to wear. Mr. Wadsworth recommended that the applicants consider constructing a swale as an alternative.

Mr. Wadsworth invited public comment. Ms. Lizzie Ross of 68 Myles View Drive asked what will be seen on the roadway, and Mr. Grady responded that the hammerhead drive will be seen, and the circle shown on submitted plans will only exist on paper. He stated that a 14-foot wide driveway will be constructed with a hammerhead going to two houses.

Ms. Ross asked if the extension would be maintained through a homeowners' association, and Mr. Grady responded that it was the "cleanest" way they could find to not impact the public way that was established in 1969 and also keep access to Phelps Lane and the rights to access it that already exist.

Mr. Glenn Cederberg of 263 Crescent Street asked who owns Phelps Lane and whose responsibility is it. Mr. Wadsworth stated that it is an ancient way. Mr. Cederberg stated that nobody has ever maintained the road and drainage is a concern because runoff from the Myles Standish Monument hill runs down over Phelps Lane, and also a stream from wetlands on the hill runs down. He stated that no one has ever taken responsibility for maintaining the road. Mr. Wadsworth stated that that is why he wants the Police Chief and Fire Chief to stand on the ground to determine whether safe and adequate passage is possible on Phelps Lane.

Mr. Wadsworth summarized that revised plans need to show wetlands lines as approved by the Conservation Commission, and also to address recommendations made by Mr. Brennan of Amory Engineers.

MOTION: Ms. Turcotte made a motion, and Mr. Uitti provided a second, to continue the public hearing for the Myles View Drive Extension Definitive Subdivision to Monday, June 8, 2015 at 7:05 PM, with revised plans and materials due by May 26, 2015.

VOTE: The motion carried unanimously, 7-0.

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

Mr. Wadsworth opened the continued public hearing at 8:51 PM. Present for the discussion were the applicant, Atty. Lee Alfieri, and his representative, Mr. Daniel Orwig of Orwig Associates. Also present was Mr. Patrick Brennan of Amory Engineers, town consulting engineer. Ms. Ladd Fiorini noted the correspondence list on file for the public record:

- PB minutes of 03/09/15 and draft PB minutes of 04/13/15
- Revised Rain Garden Plan and Rain Garden Sketch Plan and Driveway Alternatives submitted by D. Orwig at PB meeting on 04/13/15
- Letter from L. Alfieri dated 04/13/15 submitted at PB meeting on 04/13/15
- Mutual extension form signed by L. Alfieri and PB on 04/13/15 and stamped with Town Clerk on 04/14/15
- Emails between T. Broadrick and L. Alfieri et. al dated 05/05/15 re: No revised plans submitted
- Revised plans submitted by D. Orwig on 05/06/15
- Email from D. Lowry dated 05/08/15 re: Staff email addresses
- Email from D. Lowry to PB dated 05/09/15 re: Support for revised roadway location
- Emails between P. Brennan and D. Orwig dated 05/05/15 – 05/11/15 re: Issues with revised plans and drainage calculations.

Mr. Wadsworth asked Mr. Orwig to present revised plans. Mr. Orwig noted that revised plans show that the roadway has been moved to the north, and although Mr. Brennan had recommended a 400-foot sight distance toward Harrison Street there is a telephone pole in the way. Mr. Brennan noted that a waiver would be required for sight distance. Mr. Orwig stated that another consideration was to save two large oak trees. The sight distance as proposed would be 345 feet to the north and 450 feet to the south.

Mr. Orwig noted that substantial changes have been made so that the watersheds handle smaller amounts of water. Additional plant materials have been added to the rain gardens. Ms. Turcotte stated that on paper the plans were looking much better and the rain garden design appears to be much more appropriate. She stated that eliminating the detention pond along Tremont Street is a big step in the right direction.

Mr. Uitti stated that it is good to see that the roadway had been moved to the north so that it would not be across from the DPW maintenance facility entrance and so that it would be further from abutters to the south. Mr. Wadsworth stated that the sight line is important. Atty. Alfieri stated that he would like to hear feedback from the Planning Board on the currently proposed roadway location before revising drainage calculations. He noted that vehicles travelling south on Tremont Street find a curve and generally travel slower than 40 mph. Ms. Turcotte stated that rules are rules, and if the speed limit is posted as 40 mph, the sight distance needs to be 400 feet. Atty. Alfieri stated that moving the roadway to accommodate the sight distance may mean losing the two large oak trees. Mr. Casagrande asked if the telephone pole would be an impediment to sight line.

Ms. Turcotte stated that the roadway location appears to be fair given the improvements in design so far, although the rain gardens need to be reviewed further. Mr. Uitti concurred. Mr. Orwig informed the Planning Board members that 907 Tremont, the abutting lot with the same owners, is now under agreement.

MOTION: Ms. Turcotte made a motion, and Mr. Uitti provided a second, to continue the public hearing for Littleton Way Definitive Subdivision / Nass & Alfieri, to Monday, June 8, 2015 at 7:10 PM, with revised plans and materials due by May 26, 2015.

VOTE: The motion carried unanimously, 7-0.

ZBA REFERRAL, SPECIAL PERMIT AMENDMENT: 302 WASHINGTON STREET / BEAVER & BRIERE

Board members reviewed the special permit amendment application and background materials. Mr. Broadrick explained that the original special permit in 2014 was to allow construction of an addition with the condition that the easterly setback was to be maintained at 14.3 feet. Instead the addition was constructed with a 13.9 foot setback, so the Zoning Enforcement Officer, Mr. Scott Lambiase, required the applicant to file a special permit amendment.

MOTION: Ms. Ladd Fiorini made a motion, and Ms. Turcotte provided a second, to defer judgment to the Zoning Board of Appeals regarding special permit #2015-6, 302 Washington Street / Beaver & Briere.

DISCUSSION: Mr. Glennon asked if an explanation should be provided. Mr. Casagrande stated that it appears that there was a mistake in placing the foundation. Ms. Ladd Fiorini agreed that it appeared to be a measurement issue. Mr. Wadsworth asked if a variance should have been required. Mr. Broadrick responded that he would say yes, but the Zoning Board of Appeals apparently views it differently. Mr. Broadrick noted that at least it is being reviewed and public input is being sought, and the process is most important.

VOTE: The motion carried unanimously, 7-0.

ZBA REFERRAL, SPECIAL PERMIT: 105 ALDEN STREET / ALDEN KINDRED OF AMERICA, INC.

Board members reviewed the special permit amendment application to install a freestanding sign 7' x 6'. Mr. Glennon asked if the sign would be lighted, and Mr. Casagrande responded that it would not. Mr. Glennon asked if the existing sign would be removed, and Mr. Broadrick stated that it looks like it would be an additional sign, not a replacement. Mr. Utti confirmed that the site plan shows two signs.

MOTION: Mr. Utti made a motion, and Mr. Casagrande provided a second, to recommend APPROVAL to the Zoning Board of Appeals regarding special permit #2015-7, 105 Alden Street / Alden Kindred of America, Inc., to install a freestanding sign 7' x 6'.

VOTE: The motion carried unanimously, 7-0.

OTHER BUSINESSEngineering Invoices:

MOTION: Ms. Turcotte made a motion, and Mr. Casagrande provided a second, to approve the following consulting engineer invoices for services related to McLean's Way Definitive Subdivision:

- Merrill invoice #1983 dated March 24, 2015 in the amount of \$4,130.00
- Merrill invoice #2040 dated April 21, 2015 in the amount of \$3,115.00
- Merrill invoice #2089 dated May 16, 2015 in the amount of \$1,260.00.

DISCUSSION: Mr. Glennon noted that the application fee was waived by the Planning Board in recognition that the consulting engineer invoices might be higher.

VOTE: The motion carried unanimously, 7-0.

Meeting Minutes:

MOTION: Ms. Turcotte made a motion, and Mr. Casagrande provided a second, to approve meeting minutes of March 14, 2015 as written.

VOTE: The motion carried, 4-0-3, with Mr. Bear, Ms. Turcotte and Mr. Utti abstaining.

MOTION: Ms. Turcotte made a motion, and Ms. Ladd Fiorini provided a second, to approve meeting minutes of April 13, 2015 as amended.

VOTE: The motion carried unanimously, 7-0.

Duxbury Estates Fee-in-Lieu of Affordable Housing: Mr. Glennon asked how the payment schedule is working out, and Mr. Broadrick replied that it is working well, with payment submitted upon the sale of each unit. He offered to provide a more complete update at a future Planning Board meeting.

ADJOURNMENT

The Planning Board meeting adjourned at 9:37 PM. The next Planning Board meeting will take place on Monday, June 8, 2015 at 7:00 PM at Duxbury Town Hall, Mural Room, 878 Tremont Street.

TOWN CLERK
15 JUL 17 8:39
DUXBURY MASS.

MATERIALS REVIEWED

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

- Cover letter dated 04/30/15 and revised plans dated 04/29/15
- Draft minutes of 04/13/15
- Draft Declaration of Covenants and Restrictions Establishing McLean's Way Homeowners Association
- Letter from P. Palmieri dated 05/05/15 re: peer review of revised plans
- Draft decision

Initial Public Hearing, Definitive Subdivision: Myles View Drive / Pontiff

- Public hearing notice
- Application and plans submitted on 03/25/15
- Vision GIS map, aerial photo and Assessor's property cards
- Email from T. Broadrick to R. Grady et al dated 04/01/15 re: Applicant needs to file with Conservation Commission
- "Porous Pavement" information from Stormwater Management Design and Calculations dated March 5, 2015
- Letter from P. Brennan of Amory Engineers dated 04/06/15 re: peer review of initial plans
- Revised plans and materials submitted on 05/06/15
- Email from P. Brennan of Amory Engineers dated 05/11/15 re: review of revised materials
- Email from D. Lowry dated 05/09/15 re: support for revised plans

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

- Draft minutes of 04/13/15
- Email from T. Broadrick to L. Alfieri & D. Orwig dated 05/05/15 re: requesting submittal / update
- Revised plans submitted by D. Orwig on 05/06/15
- Email from D. Lowry to PB dated 05/09/15 re: Support for revised roadway location
- Emails between P. Brennan and D. Orwig dated 05/05/15 – 05/11/15 re: Issues with revised plans and drainage calculations

ZBA Referral, Special Permit Amendment: 302 Washington Street / Beaver & Briere

- ZBA application and materials
- Vision GIS map, aerial photo, and Assessor's property card
- ZBA Special Permit #2013-0016
- Memo from PB to ZBA dated 11/27/13 re: ZBA referral

ZBA Referral, Special Permit: 105 Alden Street / Alden Kindred of America, Inc.

- ZBA application and materials
- Vision GIS map, aerial photo, and Assessor's property card

Other Business

- Merrill invoice #1983 dated 03/24/15 (\$4,130.00) re: McLean's Way
- Merrill invoice #2040 dated 04/21/15 (\$3,115.00) re: McLean's Way
- Merrill invoice #2089 dated 05/06/15 (\$1,260.00) re: McLean's Way
- Meeting minutes of 03/14/15
- Meeting minutes of 04/13/15
- Construction Cost Estimates for April 2015
- Marshfield Planning Board flyer re: Master Plan 2015

TOWN CLERK
15 JUL 17 AM 8:39
DUXBURY, MASS.