



Town of Duxbury Massachusetts Planning Board

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DUXBURY, MASS.

Minutes 06/14/2017

The Planning Board met on Wednesday, June 14, 2017 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Mural Room.

Present: Scott Casagrande, Chairman; David Uitti, Vice Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Brian Glennon, and George Wadsworth.

Absent: Jennifer Turcotte.

Staff: Valerie Massard, Planning Director; and Diane Grant, Administrative Assistant.

Mr. Casagrande called the meeting to order at 7:02 PM.

OPEN FORUM

No items were brought forward for Open Forum.

OTHER BUSINESS

Because it was not yet time for the continued public hearing, Planning Board members addressed Other Business.

Meeting Minutes:

MOTION: Mr. Wadsworth made a motion, and Mr. Bear provided a second, to approve meeting minutes of May 24, 2017 as written.

VOTE: The motion carried 4-0-2, with Ms. Ladd Fiorini and Mr. Glennon abstaining.

Engineering Invoices:

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve payment of Horsley Witten invoice #40970 dated May 29, 2017 in the amount of \$1,202.50 for services related to Duxbury Yacht Club, subject to future invoices to include more details and description of the work performed.

DISCUSSION: Mr. Glennon noted that no time sheet or report was submitted with the invoice as required, and asked for confirmation from staff that the 6.5 hours submitted on the invoice was a fair and accurate representation of work performed. Ms. Massard confirmed that the work involved two site visits and three phone calls. Mr. Uitti directed staff to notify the consultant, Mr. Mark Nelson, that future invoices should include a time sheet and any reports submitted to the Planning Board.

VOTE: The motion carried unanimously (6-0).

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MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve payment of the following Merrill invoices dated May 24, 2017:

- Invoice #4335 in the amount of \$2,465.00 for services related to 232 Surplus Street / JRM Investment Realty 2010
- Invoice #4336 in the amount of \$1,015.00 for services related to 308 Summer Street / DelPrete.

VOTE: The motion carried unanimously (6-0).

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: 308 SUMMER STREET / DELPRETE

Mr. Casagrande opened the public hearing at 7:13 PM. Present for the discussion were the applicant, Mr. Pete DelPrete; and his representative, Mr. Rick Grady of Grady Consulting, LLC in Kingston. Also present was Mr. Peter Palmieri of Merrill Associates, the town’s consulting engineer. Mr. Casagrande invited Mr. Grady to present revised plans dated June 3, 2017. Mr. Grady noted that in response to a letter dated April 26, 2017 from Merrill Associates, test holes were built on the site for testing soils and estimated seasonal high groundwater, with revised drainage calculations as a result. In addition, the roadway width has increased to 18 feet wide with two twelve-inch berms, and a streetlight has been added. Sight distances are excellent in both directions. He summarized that the latest revised plans address the majority of comments from Merrill Associates’ letter, with any remaining issues to be addressed as conditions of approval.

Mr. Casagrande asked if any waivers are being requested, and Mr. Grady replied that no waivers are requested. Mr. Bear asked about sidewalks, and Ms. Massard responded that sidewalks are not required for lots of three weeks or less.

Ms. Ladd Fiorini asked about issues presented in Merrill Associates’ latest review letter dated June 13, 2017 and distributed at tonight’s meeting, noting that the Planning Board had not had time to review that letter yet. Mr. Palmieri noted that nearly all outstanding issues have been addressed except that a revised road cross-section needs to be added to plans. In addition, nitrogen loading calculations have not been submitted, and Mr. Palmieri noted that Mr. Grady has responded that for other subdivisions no calculations were required so it is the Planning Board’s decision. Mr. Palmieri noted that latest revised plans show plantings around the stormwater basin in lieu of a 50-foot buffer because there is not enough space for a 50-foot buffer, so that is up for Planning Board discussion as well. In addition, the proposed infiltration basin straddles property lines, so an easement should be required. He noted that if either future property owner fills in the infiltration basin it will not function properly.

Mr. Glennon asked if there will be a Homeowners’ Association, and Mr. Grady responded that the roadway will be owned by a Homeowners’ Association. Mr. Bear asked about the drainage basin and Ms. Massard responded that the Homeowners’ Association will also be responsible for the drainage basin.

Mr. Grady responded to Mr. Palmieri’s comment on the need for an easement on the infiltration basin that straddles property lines, stating his opinion that requiring an easement on every depression on the site might be going too far. Mr. Casagrande asked for Ms. Massard’s comments, and she stated that recommended that an easement should be required because maintenance without an easement could cause problems in the long run. Mr. Glennon noted that the Homeowners’ Association would be responsible for maintenance of the infiltration basin.

Ms. Massard asked about any proposed fencing or landscaping on the southern side of the property to screen from abutting neighbors. Mr. Grady showed the revised landscaping plan, noting that there is an existing fence along the back of an abutting property and there is dense vegetation along other portions of that side of the site, so they are not proposing any additional fencing.

Mr. Casagrande asked if concrete bounds have been installed on the property lines, and Mr. Grady replied that the only concrete bounds shown on plans are along the roadway. Ms. Massard recommended that the Planning Board require additional bounds along the turns at the southernmost corner of the lot. Mr. Casagrande requested a concrete

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bound to be placed at the turn on Lot C abutting land. Mr. Glennon requested two concrete bounds to be placed at the corner of Parcel C to delineate land to be conveyed to rectify an earlier surveying error. Mr. Grady agreed to place those bounds.

Mr. Casagrande invited comments from Planning Board members. Mr. Wadsworth noted that the entire development is within the Aquifer Protection Overlay District (APOD), and recommended that nitrogen testing be performed on the "upstream" side of the property (meaning the source side of groundwater flow). Mr. Grady replied that in reviewing other recently approved subdivision files, other applicants were not asked to do this, and stated that his client would like to be treated fairly. Mr. Casagrande noted that in the other project mentioned the land was not entirely in the APOD like this one is. Mr. Uitti pointed out that this issue is within the jurisdiction of the Subdivision Rules & Regulations. Mr. Casagrande noted that previous use of the land was for farming and a greenhouse using fertilization. Ms. Ladd Fiorini stated that this appears to be a reasonable request.

Mr. Casagrande asked for input on this issue from other Planning Board members.

After discussion, Mr. Grady agreed to test for nitrogen in three locations on the upstream side of the site and do the analysis required. Mr. Wadsworth noted nitrogen level results may affect the septic system design because adding septic systems will increase nitrogen levels.

Mr. Bear noted that the proposed plan does not show a buffer for the basin at the beginning of the development. Mr. Casagrande noted that a 50-foot buffer is required but there is no room for it. He suggested that the issue could be addressed through a waiver or allowing vegetation and trees as a barrier to be shown on a landscape plan. Mr. Grady objected that on another project no waiver was required for a 50-foot buffer. Mr. Casagrande noted that no waiver was required where a Low-Impact Design series of raingardens was proposed. Mr. Grady stated that he is not opposed to a waiver.

Mr. Casagrande invited public comment. Ms. Nancy Maria of 60 Reed Lane stated a concern with water, noting that her well water requires an aquifer purifier due to high iron content. Mr. Casagrande noted that two additional dwellings are proposed on seven acres of land. Ms. Massard stated that the proposed subdivision exceeds Title 5 and local regulations at this density. One or two more lots should not have an impact on abutters' water quality where using the Board of Health standards and zoning. She noted that the Board of Health regulates the location and design of septic systems and wells. Mr. Casagrande noted that the Aquifer Protection Overlay District requires a lot size of 60,000 square feet, and the proposed plan exceeds that requirement.

Ms. Lorrie Hall of 175 Abrams Hill recommended that the Planning Board consider water testing for nitrogen levels because it is in the best interest of the Planning Board to provide maximum protection to ensure safe drinking water. She stated that it would be better taken care of up front rather than having to do remediation later.

Ms. Nancy Fallaw of 53 Reed Lane stated that she also has a well and she is concerned with the proposed project. She stated that there are always things that can happen. She stated that the groundwater is high in that area and there may be a vernal pool on the property. She also stated that all the neighbors get water in their basements on her road and on Summer Street. She urged the Planning Board members to be cautious.

Mr. Mike Normandy of 290 Summer Street stated that he is an abutter to the proposed development. He stated that he appreciates the applicant's willingness to provide landscaping between the development and his property. He stated a concern with groundwater separation, and asked if there is another way to disperse stormwater. Mr. Grady responded that soils testing showed groundwater at six feet, and the drainage basin has been revised to provide two feet of separation, noting that it is a vegetated basin. Mr. Grady stated that it would not be a problem to use different vegetation and call it a rain garden.

Mr. Normandy asked who would be in charge of enforcing the homeowners' association maintenance of drainage facilities, and Mr. Casagrande stated that it would be the Zoning Enforcement Officer. Ms. Massard stated that currently no one enforces stormwater drainage, and stormwater guidelines are needed. Mr. Grady stated that he has

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never seen standing water on an abutting development, Eli's Lane, and the proposed drainage basin for this project is much larger. Mr. Normandy stated that he would like his concerns added to the record and questions answered.

Ms. Linda Delorenzo of 346 Summer Street stated that she lives north of the proposed development and expressed concern over the wildlife that will be displaced when the existing, unoccupied dwelling is razed. Mr. Casagrande stated that he was in a similar situation at another location and the wildlife was removed prior to destroying the structure. Ms. Massard referred Ms. Delorenzo to contact the Building Department.

Mr. Richard Meredith of 53 Reed Lane stated that he is not against the proposed development and appreciated that the Planning Board has gone through a thoughtful process. He showed a bottle of water from his well and stated that he is a kidney recipient whose life literally depends on the quality of drinking water.

Mr. Wadsworth asked about the distance to groundwater at the highest time of year. Mr. Grady replied that approximately three weeks ago the groundwater level was the highest it has been in three years, measuring six feet from the surface. Mr. Wadsworth asked if the septic systems will be mounded, and Mr. Grady responded that perhaps they will. Mr. Wadsworth asked if basements will be allowed due to the potential for flooding, and Mr. Grady replied that either full or half basements with walkouts will be offered. Mr. Wadsworth cautioned that the Duxbury Estates planned development in the same vicinity had problems with flooded basements. Mr. Grady responded that the groundwater levels are 1.5 feet deeper than Duxbury Estates at this proposed development.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to close the public hearing for 308 Summer Street / DelPrete.

VOTE: The motion carried unanimously, 6-0.

Therefore, the public hearing closed at 8:14 PM.

Mr. Bear recommended that the list of conditions be determined so that everyone has the same list. Ms. Massard provided her list of conditions:

- Boilerplate conditions
- Conveyance of odd parcel
- Nitrogen loading tests according to Subdivision Rules and Regulations, if required
- Two additional bounds
- Landscape plan to be revised
- Waiver for 50-foot buffer around drainage basin.

Mr. Uitti noted that three additional bounds are needed: two on lot corners and one at the 90 degree turn in lot line. Mr. Bear noted that a homeowners association and operations and maintenance plan are needed for Drainage Basin #1. Mr. Bear asked about discharge compliance, and Mr. Grady responded that Ms. DelPrete needs to sign the form. Ms. Massard noted that the results of the nitrogen loading test will be available for the Board of Health to address if needed.

Mr. Wadsworth noted that the applicants could choose to install a permanent monitoring well that could be checked from time to time. Mr. Casagrande stated that this would be beyond the Subdivision Rules and Regulations requirements.

Mr. Casagrande noted that nitrogen loading tests are fairly simple and the applicant understands that this is an issue that needs to be followed up. Mr. Wadsworth noted that the current requirements have been part of the Subdivision Rules and Regulations for many years. Mr. Uitti stated that the rationale makes sense because it is in the Subdivision Rules and Regulations and the issue was raised in both peer review letters. He recommended that the testing should be done because it would be good for the town to know. Mr. Grady stated that the applicant will be happy to provide the results to the Planning Board.

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Ms. Massard stated that wetlands need to be shown on the plan before it is recorded. Mr. Grady confirmed that there are two wetlands areas to the rear of the property, and all work is being kept at least 100 feet from the wetlands. He stated that he is not sure that wetlands delineations are required if work is 100 feet away, and Ms. Massard agreed.

MOTION: Mr. Glennon made a motion, and Mr. Uitti provided a second, to approve the 308 Summer Street / DelPrete Definitive Subdivision with a road to be named Nash Road, subject to waivers granted and conditions to be drafted in a decision.

VOTE: The motion carried unanimously, 6-0.

ADMINISTRATIVE SITE PLAN REVIEW: BONGI'S TURKEY ROOST, 414 KINGSTOWN WAY / BONGI REALTY TRUST

Present for the discussion were the applicants, Mr. Tom Pierce and family, and their representatives: Mr. Paul Brogna of Seacoast Engineering; and Mr. Lester Lloyd of Lloyd Architects in Plymouth. Also present was Mr. Patrick Brennan of Amory Engineers, the town's consulting engineer.

Mr. Brogna provided background on the project, noting that the family business has operated for 75 years and 10 or 11 years ago the Planning Board approved an Administrative Site Plan Review but the work was never done. The current proposal is to remove the 2,600 square foot commercial building and replace it with a 5,985 square foot state of the art building. The current space is inefficient and the electrical and HVAC systems are archaic.

The site is comprised of 4.83 acres in a Zone II area within the Aquifer Protection Overlay District and the Neighborhood Business I District (NB1). The existing building will be razed and a new building will be located 10 feet to the south of the existing one. The existing slaughterhouse will remain although animals are no longer raised on the property. Fourteen parking spaces plus two handicap spaces will be located at the side of the new building. An additional nine parking spaces will be located to the rear of the site. Stormwater treatment will include roof storm drains into a subsurface leaching chamber system, and the parking lot drainage will be treated through an infiltration basin with sediment forebay located at the rear of the site. The ground is two feet above the seasonal high groundwater. Three groundwater monitoring wells have been installed and two are still active. He noted that groundwater came up 1.75 feet after a recent April storm.

Mr. Brogna stated that there are currently four curb cuts along Summer Street / Kingstown Way and he has contacted Mass DOT about eliminating one curb cut in front of the building. The same traffic flow is expected.

Mr. Brogna addressed the demolition plan, noting that he had spoken with the Fire Chief. A six to nine month construction timeframe is expected and they are planning to maintain the retail building during construction. He stated that site and safety lines will be worked out with the construction contractor. After the existing building is razed the new parking lot will be built, including installation of bollards and bumping blocks.

The new building will include a mechanical room to handle higher voltage equipment. Mr. Brogna stated that the existing landscaped island will be enhanced with more plantings, and a landscape plan will be added to future plans.

Mr. Brogna then addressed some of the comments raised in a letter dated May 31, 2017 from Mr. Patrick Brennan on Amory Engineers, the town's consulting engineer:

- The NB1 zoning district requires a ten foot unpaved strip between pavement and adjacent residential districts. The proposed pavement will be within ten feet of the properties at 424 Kingstown Way and 425 Autumn Avenue. Both properties are owned by the applicants and/or relatives. Mr. Brogna stated that additional landscaping will be added to separate the business use from the residential use.
- The size of the subsurface infiltration system could be reduced and still provide adequate capacity to mitigate roof runoff.
- ZBL Section 615.4.14 requires a lighting plan. Mr. Brogna stated that a plan will be submitted.

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- ZBL Section 615.4.15 requires a landscaping plan, including a plan for the island in the front of the property. Mr. Brogna stated that a landscape plan will be submitted.

Mr. Casagrande invited comments from Planning Board members. Mr. Bear stated that it was an excellent idea to maintain the existing island. He expressed concern that customers may still try to park in front of the building based on old habits. He asked how the number of parking spaces was determined. Mr. Brogna responded that he used the formula of one parking space per 300 square feet and came up with 21 or 22 spaces, then he rounded up to 23 spaces. He noted that two handicap spaces are proposed although only one is required. Mr. Bear asked about delivery trucks and Mr. Brogna responded that the delivery system will be similar to today's operation with deliveries scheduled in the morning before business hours.

Mr. Glennon confirmed that 14 spaces are allocated for customers and nine spaces in the back are for employees. Mr. Brogna noted that many people park in front of the Pierce home so more than 14 spaces will be available although they would not be striped. Mr. Glennon also expressed concern over the possibility of vehicles parking in front of the building. He commended the applicants for proposing bollards and asked why they would be positioned against the building rather than at the end of the parking spaces. Mr. Brogna replied that they are located within a few inches of the building for aesthetic reasons but could be moved to the edge of the sidewalk.

Mr. Casagrande asked if it would be possible to move the new building back in order to provide safer pedestrian access, and Mr. Brogna responded that it may be possible to move it back by approximately 10 feet if they moved the generator pad.

Mr. Casagrande invited any additional comments from Mr. Brennan, the town's consulting engineer. Mr. Brennan stated that the applicants intend to revise plans that address his comments after tonight's Planning Board meeting in order to incorporate any further revisions needed.

Mr. Wadsworth asked if runoff from the impervious area goes to the back of the property, and Mr. Brennan replied that the driveway is pitched so runoff goes to the grasses. Mr. Wadsworth asked if this is a Low Impact Design (LID) drainage and Mr. Brennan replied that it could be considered LID because vegetation would take out many contaminants.

Mr. Wadsworth asked if the applicant would consider running a water quality test from the existing monitoring wells in order to provide a baseline, and Mr. Brogna agreed that the applicants would do this.

Mr. Wadsworth also commented that pedestrian safety may be an issue in front of the building. He recommended that the applicants consider striping to put a distance between vehicles and pedestrians. He also recommended that the applicants consider changing the entrance to the parking lot side of the building instead of the front. Mr. Brennan noted that raised sidewalks are proposed for the front of the building. Ms. Ladd Fiorini asked about pedestrian traffic on busy days, and Mr. Pierce responded that on the few busy days around the holidays customers enter through the left side door and exit through the right. A similar pedestrian flow would be proposed for the new building.

Mr. Glennon agreed with Mr. Wadsworth's suggestion to move the customer entrance to the side of the building next to the parking lot instead of at the front of the building. Mr. Brogna stated that he would check the ADA compliance regulations and Fire Code. Ms. Massard suggested another possibility of putting the entrance on the corner of the building.

Mr. Casagrande noted that there are a number of items to be addressed and suggested continuing the public meeting.

MOTION: Mr. Glennon made a motion, and Mr. Uitti provided a second, to continue the public meeting for Administrative Site Plan Review of Bonggi's Turkey Roost / Pierce to Wednesday, June 28, 2017 at 7:01 PM.

VOTE: The motion carried unanimously, 6-0.

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CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: 232 SURPLUS STREET / JRM DEVELOPMENT REALTY 2010 LLC

Present for the discussion were the applicants, Mr. John Cully and Mr. Daniel Warsowick, and their representative, Mr. Rick Grady of Grady Consulting in Kingston. Also present was Mr. Peter Palmieri of Merrill Associates, the town's consulting engineer.

Mr. Casagrande recused himself from the discussion, as he is a business acquaintance with one of the applicants. He handed the gavel to Mr. Uitti to lead the discussion for this hearing. Ms. Massard noted that Ms. Ladd Fiorini and Mr. Glennon have met the requirements for the Mullen Rule and so are able to participate in tonight's public hearing.

Mr. Uitti asked Ms. Massard for the update on this proposal. Ms. Massard read an email submitted today by Mr. Mark Berry of the Historical Commission in support of a deed restriction as it is in the best interest of the town.

Ms. Massard reported that a letter dated May 25, 2017 was submitted by the Duxbury Yacht Club with a concern that the proposed lot on the northwest corner of the property adjacent to the yacht club's golf course is located where a number of errant shots occur. The Yacht Club recommends locating the dwelling on that lot out of harm's way.

Ms. Massard noted that the proposed waiver of road width from 50 to 40 feet is appropriate in order to allow the existing antique dwelling, barn and stone fence to remain in their current settings. She also stated that she supports a waiver of the required cul de sac in favor of a hammerhead turnaround for similar reasons. She noted that the applicants could build a subdivision by right without waivers but would jeopardize the house and the siting of the stone wall and outbuilding. The current proposal with waivers leaves everything in place.

Mr. Uitti asked Mr. Palmieri, the town's consulting engineer, about an item from his peer review letter dated May 17, 2017 regarding overflow spillways for the stormwater infiltration basins. Mr. Palmieri stated that the spillways are required in order to prevent surcharge onto the roadway and Surplus Street.

Mr. Uitti asked Mr. Cully if the deed restriction is ready and Mr. Cully stated that it is close to being ready after review and comments by the Local Historic District Commission (LHDC). It is currently being reviewed by attorneys. Ms. Massard stated that she approves of the concept of the proposed deed restriction and has forwarded it to Town Counsel for review. Mr. Glennon noted that the subdivision is designed in order to keep historic structures in their current settings through a deed restriction, and he is not in favor of voting on the Definitive Subdivision without first reviewing the deed restriction. Ms. Massard stated that it could take months for Town Counsel and the applicant's attorney to finalize the deed restriction. Mr. Cully noted that he provided the deed restriction a week ago but has continued to make edits.

Mr. Uitti thanked Mr. Cully for setting up the deed restriction. He stated that he understands Mr. Glennon's interest in seeing the deed restriction. Mr. Glennon noted that keeping the historic structures was the basic focus of the entire initial public hearing. Ms. Massard recommended that the Planning Board members consider a condition that the deed restriction would need to be reviewed to the satisfaction of the Planning Board and Town Counsel prior to endorsement of plans. Mr. Bear agreed that it is a concern that the Planning Board has not yet seen the deed restriction. Mr. Cully stated that he asked for guidelines from someone on the LHDC and did not receive any response, so Mr. Cully had his own attorney draft an initial deed restriction and has been in the process of continuing edits.

Mr. Glennon expressed concern that if the public hearing is closed for the Definitive Subdivision, the public would not have an opportunity to comment on the deed restriction. Ms. Massard suggested that the LHDC could be added to the conditional review in the decision. She noted that it would not affect the design. She stated that it is difficult to know when to recommend to continue the public hearing in light of the timing with respect to the need to review the proposed deed restriction, and that a condition where the deed restriction is reviewed by Town Counsel, the LHDC and then by the Planning Board at a public meeting would possibly satisfy the public input concerns.

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Mr. Wadsworth stated that important waivers are being considered pending the deed restriction and it is a critical part of the Definitive Subdivision plan. He agreed with Mr. Glennon’s concern for potential lack of public input on the deed restriction. Ms. Massard suggested that a separate public hearing or public meeting could be scheduled for the review of the deed restriction. Mr. Uitti agreed that although the public should have an opportunity to review the deed restriction, it would be difficult to continue the public hearing just for that one outstanding issue. Ms. Massard stated that it could take a month for Town Counsel to review the deed restriction and the applicant deserves a more manageable process.

Ms. Ladd Fiorini stated that the issue is allowing public input on the deed restriction. Mr. Uitti asked how the process would work in order to allow public input. Ms. Massard stated that a public hearing could be advertised for the deed restriction only in order to avoid holding up the subdivision approval. Mr. Bear expressed concern with this alternative.

Mr. Cully stated that he had not received comments from the LHDC until a week ago. He noted that this is the second public hearing for this proposed subdivision. He noted that he had provided draft language as requested and from here it is all “legalese.” He stated that he does not understand what comments there would be from the public. Mr. Glennon noted that the devil is in the details. He stated that it is imperative for the public to have an opportunity to comment on the deed restriction. He asked if it would be possible for the applicant to provide final deed restriction language for the next Planning Board meeting so that a separate public hearing would not be required. Ms. Massard stated that only four members can be present at the next meeting on June 28 and the agenda is going out in a few days. Mr. Wadsworth stated that it is important to see the deed restriction finalized.

Mr. Terry Vose of 232 Powder Point Avenue introduced himself as a member of the LHDC. He asked whom Mr. Cully contacted regarding the deed restriction, noting that he had never heard anything. Mr. Cully stated that he had spoken with Mr. Bill McArdle who spoke at the last public hearing, and Mr. McArdle had referred him to speak with Mr. James Hartford. Mr. Vose stated that the LHDC chair is Ms. Renee Mierzejewski.

Mr. Bear stated that the LHDC has a standard form for a deed restriction. Mr. Glennon proposed a compromise of voting tonight subject to Mr. Cully’s approval of the LHDC deed restriction form. If Mr. Cully is not satisfied with the form, then it would come back to the Planning Board. Mr. Glennon noted that the flaw in this proposal is the lack of public input. Ms. Massard stated that this is a good solution and that the deed restriction will still be subject to Town Counsel’s review and the Planning Board’s approval at a future public meeting. Mr. Glennon asked Mr. Vose if the LHDC would be satisfied with this solution, and Mr. Vose agreed.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to close the public hearing for the 232 Surplus Street / JRM Investment Realty 2010 LLC Definitive Subdivision.

VOTE: The motion carried unanimously, 5-0.

Therefore the public hearing closed at 10:07 PM.

MOTION: Mr. Glennon made a motion, and Mr. Wadsworth provided a second, to approve a Definitive Subdivision for 232 Surplus Street / JRM Investment Realty 2010 LLC with standard conditions and a waiver to the width of the roadway from 50 to 40 feet and a waiver from a cul de sac to a hammerhead turnaround, both for the public benefit of ensuring the preservation and siting of historic structures on the site, noting that the applicant has agreed to accept the Local Historic District’s deed restriction form or a substitution approved by the Planning Board with additional comments accepted, and also conditioned on the results of water quality test to be submitted by the applicant to the Board of Health.

VOTE: The motion carried unanimously, 5-0.

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ZBA REFERRAL, COMPREHENSIVE PERMIT: 0 LAKE SHORE DRIVE / DUXBURY AFFORDABLE HOUSING TRUST

Present to represent the application were Ms. Noreen Browne, Director of Program Services for South Shore Habitat for Humanity; Mr. Richard McGowan, Director of Operations for South Shore Habitat for Humanity. Also present was the Duxbury Affordable Housing Trust's representative, Mr. Rick Grady of Grady Consulting. Mr. Casagrande asked Ms. Massard to provide an overview of the project.

Ms. Massard stated that this is a Local Initiative Program (LIP) project with the support of the Board of Selectmen. The property consists of .7 acres in the Residential Compatibility and Wetlands Protection Overlay District and is owned by the Duxbury Affordable Housing Trust (DAHT) through a Town Meeting vote. The DAHT issued a bid for construction of affordable housing and the project was awarded to South Shore Habitat for Humanity. The proposal is to construct a single-family dwelling that will meet the definition of low or moderate income housing on a pre-existing nonconforming lot.

Ms. Massard noted that the Conservation Commission has provided its recommendation which says that although the project technically meets wetlands regulations, members have issues with the proposal. She read a memorandum from Mr. Joseph Grady, Conservation Administrator, dated June 13, 2017. She explained that although the project meets state health regulations, a LIP is required in order to comply with Title 5 regulations rather than local Board of Health regulations. The Conservation Commission is concerned with the nutrient loading potential that may affect Chandler Mill Pond. Ms. Massard noted that it is unusual for the Conservation Commission to write a letter like this, they felt the environment should be the top priority; however, Town Meeting did vote to convey the land for affordable housing.

Mr. Glennon noted that the Planning Board members are just receiving the Conservation Commission's memorandum tonight and he does not like getting last minute correspondence. Mr. Bear stated that it appears the Conservation Commission members issued the Orders of Condition because something will be built there anyway, but they would rather not see something built there.

Ms. Massard recommended that the Planning Board consider deferring judgment to the Zoning Board of Appeals. Mr. Casagrande asked about any zoning issues, and Ms. Massard responded that because a LIP application is part of the Chapter 40B process, local zoning regulations do not apply.

Mr. Wadsworth stated that he serves on the DAHT, and noted that if the Conservation Commission was opposed to the purchase, its members should have spoken up at Town Meeting. He stated that the septic system is proposed to be 118 feet from the wetlands buffer when it should be located 150 feet from the buffer zone. He stated that he used to live on Lake Shore Drive, and he believes that the weeds in Chandler Mill Pond come from the density of housing across the pond on the Pembroke side. He stated that the Conservation Commission could have purchased the land years ago if they wanted to protect it from development.

Mr. Rick Grady stated that he is representing the DAHT and although they did not ask him to attend tonight's meeting he is here for other matters and decided to stay for this discussion. He provided some site information to the Planning Board members, noting that the site slopes from 90 feet elevation to 70 feet.

Mr. Glennon stated that senior housing is needed in Duxbury. He noted that the proposed split level house proposed is consistent with the neighborhood but may not be the most practical design for seniors. Mr. McGowan from South Shore Habitat replied that the dwelling is designed to fit the grading of the land so that it will have a walkout basement. Mr. Glennon encouraged South Shore Habitat to consider accessibility to meet the need for senior housing.

Mr. Casagrande asked if the dwelling is restricted to three bedrooms, or if the future owner could add a bedroom in the walkout basement. Mr. McGowan replied that there is no restriction to three bedrooms as far as he is aware. Mr. Casagrande noted that the septic is designed for four bedrooms.

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Ms. Ladd Fiorini stated that she appreciates the Conservation Commission letter and wishes that the Planning Board could have seen it earlier because it would have been helpful. She stated that although she is very much in favor of affordable housing in Duxbury, she is concerned with the environmental impact of the proposal. She stated that even if Pembroke is the major contributor to issues at Chandler Mill Pond, the Town of Duxbury does not need to add to those issues.

Mr. Casagrande stated that future land purchases may need more vetting by boards.

MOTION: Mr. Bear made a motion, and Mr. Wadsworth provided a second, to defer judgment to the Zoning Board of Appeals in absence of any apparent zoning issue regarding Comprehensive Permit #2017-05, 0 Lake Shore Drive / South Shore Habitat for Humanity for the construction of a single-family dwelling that will meet the definition of low and moderate income housing under MGL Chapter 40B, Sections 20-23, on a nonconforming lot owned by the Duxbury Affordable Housing Trust.

VOTE: The motion carried 5-1, with Ms. Ladd Fiorini voting against.

DISCUSSION OF PLANNING BOARD FEES

Ms. Massard reported that she is scheduled to attend meetings of the Board of Selectmen and Fiscal Advisory Committee regarding new Planning Board fees. Mr. Casagrande noted that the Planning Board is proposing to streamline its fees to simplify the fee schedule, with a result that smaller applications may have a lower fee and larger projects may have a higher fee. Ms. Massard added that fees are proposed where there is no fee in place right now. She stated that the research was performed in 2014 and updated this year. She noted that the Planning Board must hold a public hearing on fees under the Subdivision Rules and Regulations, but other fees are under the jurisdiction of the Board of Selectmen and Fiscal Advisory.

Mr. Casagrande noted that all fees seem reasonable, and it is good to have a fee for certain applications such as tree hearings. Ms. Ladd Fiorini stated that the proposed fee schedule is fine with her. Mr. Glennon stated that fees are intended to compensate the board for expenses, not generate revenue. He asked if the fees are reasonably structured to cover staff costs. Ms. Massard replied that the fees do not come close to covering expenses but they are in line or lower than other communities. Mr. Casagrande asked if a Planning Board vote is required, and Ms. Massard responded that it is not needed.

PLANNING DIRECTOR REPORT

Comprehensive Plan: Ms. Massard reported that staff from the Metropolitan Area Planning Council (MAPC) will attend the June 28 the Planning Board meeting to discuss the Comprehensive Plan process, and Comprehensive Plan Ambassadors are also being invited. She noted that the MAPC staff will be looking for input from the Planning Board members and the ambassadors, so if any Planning Board members cannot attend the meeting they should contact the MAPC to provide input.

Route 3A Corridor Study: Ms. Massard followed up on discussion at the last Planning Board meeting. She noted that she contacted the Old Colony Planning Council (OCPC) regarding the number of accidents at Exit 10 on the Duxbury/Kingston town line and that location is tied for the top accident locations with 17. She stated that the OCPC and Mass Highway have been invited to a meeting to discuss the possibility of a traffic signal at that location along with other transportation questions. She has received an updated estimate from the original design engineer that it would cost \$250,000.00 for engineering at the local level for the signal, and the cost to construct will be much higher but will be shared by state/local highway funds. She noted that the Town of Duxbury is reaching out to the Town of Kingston on this matter as well.

ADJOURNMENT

The Planning Board meeting adjourned at 10:43 PM. The next Planning Board meeting will take place on Wednesday, June 28, 2017 at 7:00 PM at the Duxbury Town Hall, Mural Room.

TOWN CLERK
JUL 27 AM 9:41
DUXBURY, MA

MATERIALS REVIEWED

- PB agenda for 06/14/17
- Revised plans dated 06/04/17 for 308 Summer Street with cover letter dated June 3, 2017 from P. Seaburg of Grady Consulting LLC
- Letter dated 04/26/17 from P. Palmieri of Merrill Engineers re: Peer review of 308 Summer Street
- Minutes of 05/10/17 re: 308 Summer Street
- ASPR application and plans submitted on 05/17/17 for Bonggi's Turkey Roost, 414 Kingstown Way / Pierece
- GIS map prepared by Planning Department dated 06/08/17
- Assessor's property cards for 414 Kingstown Way
- Letter from B. Holmes of Environmental Consulting & Restoration, LLC dated 04/24/17 re: Bonggi's drainage basin
- Letter from P. Brennan of Amory Engineers dated 05/31/17 re: Peer review of Bonggi's ASPR
- Letter from P. Brogna of Seacoast Engineering dated 06/05/17 re: cover letter with application for Bonggi's ASPR
- Letter from D. Grady of Grady Consulting dated 06/06/17 re: 232 Surplus Street revised plans
- Revised plans dated 06/06/17 for 232 Surplus Street
- Letter from P. Palmieri dated 05/17/17 re: review of revised plans for 232 Surplus Street
- Draft minutes dated 05/24/17 re: 232 Surplus Street
- Letter from R. Holden of Duxbury Yacht Club dated 05/25/17 re: Concern with 232 Surplus Street
- ZBA comprehensive permit application #2017-05 for 0 Lake Shore Drive / South Shore Habitat for Humanity
- Assessor's property card for 0 Lake Shore Drive
- "Planning Board Fee Research, Selected Towns, Updated Through April 2017" spreadsheet dated 05/03/17
- "Planning Board Proposed Fees 2017" spreadsheet dated 05/03/17
- Merrill Engineers invoice #4335 dated 05/24/17 re: 232 Surplus Street
- Merrill Engineers invoice #4336 dated 05/24/17 re: 308 Summer Street
- Draft minutes of 05/24/17
- Memorandum from V. Massard to B. McNulty (OCPC) re: Route 3A Corridor Study PB comments
- Construction Costs for May 2017 submitted on 06/01/17

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 DUXBURY, MASS.

Presented at Meeting:

- Letter from P. Palmieri of Merrill Engineers dated 06/13/17 re: Peer review of 308 Summer Street revised plans dated 06/04/17
- Letter from P. Palmieri of Merrill Engineers dated 06/14/17 re: Peer review of 232 Surplus Street revised plans dated 06/06/17
- Email from M. Barry to V. Massard dated 06/14/17 re: 232 Surplus deed restriction
- Memorandum from J. Grady to ZBA et al dated 06/13/17 re: 0 Lake Shore Drive