



# Town of Duxbury Massachusetts Planning Board

## Minutes 12/08/08

The Planning Board met in Duxbury Town Offices, Small Conference Room, lower level on Monday, December 8, 2008 at 7:30 PM.

Present: Amy MacNab, Chairman; Brendan Halligan, Clerk; George Wadsworth, Vice-Chair; and Cynthia Ladd Fiorini.

Absent: James Kimball, John Bear and Harold Moody

Staff: Christine Stickney, Planning Director

Ms. MacNab called the meeting to order at 7:36 PM.

### OPEN FORUM

Amy MacNab mentioned that the Board of Selectmen will be starting their meetings in 2009 at 7PM and asked Planning Board members present would they also like to start earlier. It was agreed to ask the other Planning Board members.

### ANR PLAN OF LAND: 51 & 67 TANGLEWOOD TRAIL/FONTAINE/ FASSNACHT

Present for the discussion was the applicant Denise Fontaine, Doug Bailey (surveyor) and Attorney Robert Galvin Jr. Members were provided with a staff report that explained the proposed plan and the error with the original subdivision that had been found recently. Ms. MacNab questioned what brought the matter to light and Mr. Bailey responded that surveying for the septic system. Mr. Wadsworth noted that the lots fall within the Town of Marshfield as well and Attorney Galvin concurred that will before the Marshfield Planning Board for their endorsement as well. Ms. MacNab noted for the record that the frontage of either lot was not affected by the swapping of land between neighbors.

**MOTION:** Mr. Wadsworth made a motion, and Mr. Halligan provided a second, to endorse a plan entitled, "Plan of Land in Duxbury & Marshfield, MA," dated 11/26/08 stamped by Douglas Bailey PLS" as not requiring approval under Subdivision Control Law.

**VOTE:** The motion carried unanimously, 4-0.

Board members signed the mylar and two paper copies of the ANR plan.

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

**ZBA REFERRAL: 90 MARSHALL STREET/RODGERSON**

The Board reviewed the application and materials regarding this special permit application to construct a pier on the property. Mr. Paul Brogna was present as the applicant's engineer and explained the proposal. He noted that the project has been reviewed and approved by the Conservation Commission. Ms. Stickney noted that the location of the pier is within the Town's Waterfront Scenic Area overlay zone. Discussion ensued as to the closest pier to the site and Mr. Brogna reported the locations and that another proposal would also be coming forward in the near future. Members expressed their frustration with neighbors not considering shared piers.

**MOTION:** Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to defer to the Board of Appeals judgment any recommendation however asked that it be noted that this location of the pier is within the Waterfront Scenic Area and a proposed joint pier would be preferred.

**VOTE:** The motion carried unanimously, 4-0.

**ZBA REFERRAL: 67 HARDEN HILL/ MAYDLACK**

The Board reviewed the application and materials regarding this special permit application to construct a pier on the property. Mr. Paul Brogna was present as the applicant's engineer and explained the proposal. He noted that the project has been reviewed and approved by the Conservation Commission.

**MOTION:** Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to defer to the Board of Appeals judgment any recommendation.

**VOTE:** The motion carried unanimously, 4-0.

**ZBA REFERRAL: 192 POWDERPOINT AVE/ BENTINCK-SMITH**

The Board reviewed the application and materials regarding this special permit application to construct a pier on the property. Mr. Paul Brogna was present as the applicant's engineer and explained the proposal. He noted that the project has been reviewed and approved by the Conservation Commission.

**MOTION:** Mr. Halligan made a motion, and Mr. Wadsworth provided a second, to defer to the Board of Appeals judgment any recommendation.

**VOTE:** The motion carried unanimously, 4-0.

**ALTERNATIVE ENERGY COMMITTEE/PROPOSED WIND TURBINE BYLAW**

Two members from the Alternative Energy Committee, Mr. Frank Duggan and Mr. Donald Greenbaum, came to discuss with Planning Board members a proposed "Wind Facilities Zoning Bylaw" being submitted for consideration at this year's Town Meeting. Copies of the Bylaw were provided to the members. Ms. MacNab stated her concern with the proposed height of 300 feet and

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stated she was unaware of anything in Town that was that high. She asked that the members explain why it had to be so high. Mr. Duggan explained the details of commercial wind turbines and the need to consider alternative energy sources. To succeed in this area there has to be an economic benefit for the location of the turbine because of the cost of installation. He also noted that currently the technology requires it to be located close to the source it will be providing energy to given the high cost of transmission. Mr. Duggan noted that the IBEW wind turbine located in Dorchester is approximately 200 feet in height but it doesn't provide a lot of capacity needed. Mr. Greenbaum noted that currently our bylaw provides no standards for this type of use and that residential falls under another aspect that this bylaw is for commercial. Ms. MacNab expressed her opinion that Duxbury is likely to have an issue with something 300 in height in any location within the Town and could the proponents possibly consider something less in height? Mr. Duggan noted the bylaw was modeled after the Norwell bylaw and that members on the Alternative Energy committee are actual residents that work in this field and understand clearly the standards that need to be addressed.

Ms. MacNab also suggested that the bylaw be amended with respects to the financial bonding and go for a cash surety rather than offer a performance bond because no one will keep track of the bond remaining valid. Mr. Wadsworth advised the committee members that setbacks and a requirement for fencing should be in the bylaw to prevent people from entering these areas that could be subject to blade action and electricity from the turbines.

Ms. Stickney informed the Alternative Energy Committee that the deadline for warrant articles was 12/9/08 and they need to submit with the Board of Selectmen. Mr. Duggan thanked members for their input and Ms. MacNab noted that there will be a zoning hearing that will require the proponents to reappear before the Planning Board and the public will have input.

#### **REVIEW OF ISLAND CREEK COMPREHENSIVE PERMIT**

The Chair continued this matter until the next meeting for discussion when there would be a full board. Members were notified that the continued public hearing of the Zoning Board of Appeals is this week 12/11/08 but it is expected to be continued to another date.

#### **OPEN FORUM (CONTINUED)/OTHER BUSINESS:**

Subsidized Housing Inventory: Ms. MacNab updated the members on the Zoning Board of Appeals request of DHCD for the safe harbor provision and that the Town Manager has requested certification of our Housing Plan – a response from DHCD is anticipated soon.

Water Usage: Mr. Wadsworth updated members on the new standards of water usage and commented that the basis of these standards is not scientifically supported.

#### **ADJOURNMENT**

The Planning Board meeting adjourned at 9:15 PM. The next meeting of the Planning Board will take place on Monday, January 5, 2009 at 7:30 PM at Duxbury Senior Center.