



Town of Duxbury Massachusetts Planning Board

Approved 12/12/2011

TOWN CLERK

11 DEC 13 PM 12:11

DUXBURY, MASS.

Minutes 11/28/11

The Planning Board met at the Duxbury Town Hall, Small Conference Room, on Monday, November 28, 2011 at 7:00 PM.

Present: George Wadsworth, Vice-Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, Josh Cutler, and Brian Glennon.

Absent: Amy MacNab, Chairman; and Jennifer Turcotte.

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

Mr. Wadsworth called the Planning Board meeting to order at 7:05 PM.

OPEN FORUM

Alternative Energy Committee: Mr. Cutler reported that the Alternative Energy Committee is proceeding with two off-site projects, including installing solar panels at the town landfill. He commended Mr. Broadrick for the work he has done on the solar project.

CONTINUED PUBLIC MEETING, ADMINISTRATIVE SITE PLAN REVIEW: MAYFLOWER STREET, POLICE HEADQUARTERS / TOWN OF DUXBURY

Present for the discussion to represent the application were Mr. William Murray of PLACES Site Consultants, Inc. in Holden; and members of the Public Safety Building Committee: Police Chief Matthew Clancy; Mr. Andre Martecchini and Mr. Paul Brogna.

Mr. Wadsworth reported that he had spoken with Mr. Peter Mackin, Water Superintendent, and that Mr. Mackin shares Mr. Wadsworth's following concerns:

- The use of diesel fuel for a generator on the site which is located adjacent to the town's highest yielding wells is inappropriate. Mr. Wadsworth recommends fueling the generator with natural gas which runs along Mayflower Street.
- The proposed water main installation does not go to the far side of the property line.
- The proposed water service line should be a more common size, and it could cause a problem in the future.
- The proposed 400 amp electrical service provides an excessive amount of power for the site.

Mr. Wadsworth summarized his concerns by noting his disappointment that town projects do not have the benefit of a consulting engineer's review.

Mr. Bear noted that in all fairness the water, gas and electrical service issues are not under the Board's purview and not part of the Administrative Site Plan Review.

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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.

Mr. Martecchini responded to Mr. Wadsworth's comments by stating that Mr. Mackin and Mr. Peter Buttkus, DPW Director, attended a meeting with the Public Safety Building Committee and these issues were not raised. Mr. Martecchini explained that the committee has budget issues and is already tapping into contingency funds. He stated that he would have preferred that the water main be extended to the far side of the property line himself but the budget would not allow it. He stated that if the bids come in at a substantially lower amount than expected, perhaps they would be able to discuss extending the water main.

Mr. Murray stated that he expressed a concern regarding the water service size and the plumbing engineer had assured him that it meets the code.

Mr. Glennon noted that the applicants had addressed the concern with fuel spills at the last meeting by adding curbing around the generator and around the impound yard. Mr. Murray added that the generator has a 72-hour run time with indoor monitors.

Mr. Bear asked if the applicants were going to address the Board's recommendation to create lot lines, and Mr. Murray showed Board members an aerial photo with "deed lines," noting that a plan is on file with the Plymouth County Registry of Deeds with metes and bounds. The applicants' position is that an Approval Not Required (ANR) plan of land is not necessary. They could, however, define an "exclusive use area" through an attorney.

Mr. Cutler noted that an ANR may cause a potential issue with the Alternative Energy Committee's proposed solar array project which is located on the same parcel of land. Mr. Broadrick agreed with Mr. Cutler, noting that a lease line or use line agreement may suffice. Mr. Martecchini pointed out that the uses on the site – the transfer station, solar array panels, and police headquarters – are all municipal uses. Mr. Glennon stated that he is satisfied that the 7.33 acre portion of the larger lot coincides with a plan on file at the Registry marked as with metes and bounds included.

Mr. Broadrick reviewed highlights of the final plans which are dated November 17, 2011 and titled as "bid document" plans. He pointed out that plans now include curbing around the generator, which will be placed on a concrete pad, and around the impound area. Mr. Glennon asked if the fill pipe is within the containment area, and Mr. Murray confirmed that it is, noting that it is a lockable opening that is weather safe and vandal-proof.

Mr. Wadsworth noted that the type of generator proposed is noisy, and Mr. Murray responded that you cannot hear it from a distance of greater than twenty feet. Mr. Martecchini pointed out that the proposed generator is the same one currently used at the Fire Station and there are no noise issues. Mr. Murray stated that the generator was deliberately placed as far as possible from abutters.

Mr. Wadsworth asked if monitoring wells are included on the plan, and Mr. Murray showed him where two monitoring wells will be located.

Mr. Broadrick reviewed the landscaping plans with Board members, and Mr. Martecchini pointed out that the plantings and irrigation system shown on the plans are not included in the base bid so they may not be part of the initial project.

Mr. Broadrick reviewed the Operations and Erosion Control plans, noting that the maintenance plan details must be followed because plans are referenced in the Administrative Site Plan Review decision. He noted that photographs must be taken during the project construction. He commended the applicants for a thorough Operations and Erosion Control plan. Mr. Wadsworth asked if Mr. Buttkus, the DPW Director, had agreed to take on this maintenance, and Mr. Broadrick replied that Mr. Buttkus is aware that maintenance is required.

Mr. Broadrick summarized that the plans are complete and the project is ready for approval. Mr. Wadsworth opened the floor to public comment.

Mr. Earle Ricker of 293 Mayflower Street asked if boundary markers could be re-installed, since old ones had been buried in a stump fire years ago. Mr. Martecchini and Mr. Brogna agreed that concrete bounds could be placed at the four corners of the Police Headquarters site. Board members agreed that this condition should be added to the decision.

Board members reviewed and made changes to the draft decision. Mr. Martecchini stated that the applicants have no objections to the draft decision.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to approve an Administrative Site Plan Review for Duxbury Police Headquarters at 155 Mayflower Street, granting waivers and conditions as amended on the draft decision presented at tonight's Board meeting.

VOTE: The motion carried unanimously, 5-0.

AS-BUILT REVIEW AND ESCROW RELEASE REQUEST: 454 FRANKLIN STREET / INDUSTRIAL TOWER AND WIRELESS LLC

No one was present to represent the applicant's request for As-Built approval and release of escrow funds. Mr. Wadsworth confirmed with Mr. Broadrick that there are no issues. Mr. Broadrick noted that security gates have been installed at the site. Since the original ASPR approval, the property has been sold with an easement for perpetual access to the tower.

MOTION: Mr. Bear made a motion, and Mr. Cutler provided a second, to accept an As-Built plan entitled, "As-Built Plan of 454 Franklin Street in Duxbury, Mass. Prepared for Industrial Communications & Electronics Inc.," dated November 3, 2011, and stamped and signed by Timothy R. Bennett, RPLS of Bennett Engineering, P.O. Box 297, Sagamore Beach, MA 02562 on November 10, 2011, one sheet, and to return the balance of the escrow funds plus interest for this project.

VOTE: The motion carried unanimously, 5-0.

DISCUSSION OF PROPOSED COMMUNITY PRESERVATION COMMITTEE ARTICLES FOR ANNUAL TOWN MEETING 2012

Mr. Bear, who serves as chairman of the Community Preservation Committee (CPC), reviewed a working list of eight proposed CPC articles, noting that not all of the applications have been reviewed by CPC members at this point. All proposed articles will be voted by CPC members at its December 15, 2011 meeting. Mr. Cutler expressed his concern with non-essential proposals during this time of economic uncertainty.

OTHER BUSINESS

Proposed Annual Town Meeting 2012 Articles: Board members reviewed a draft list of articles prepared by staff. After Mr. Broadrick explained that the new Deputy Assessor, Mr. Steven Dunn, does not support a GIS revolving account article, Board members agreed to not put this article forward. In the six or so years that the article has been approved by Annual Town Meeting, no one has purchased GIS data from the town. Mr. Cutler reminded staff to include a request for funding the town to join the Old Colony Planning Council.

Multiple Uses on a Lot: Mr. Wadsworth asked the status of a request for opinion from Town Counsel regarding multiple uses on one commercial lot, and Mr. Broadrick replied that there has been no response to date. The original question arose at the previous meeting during a discussion regarding 30 Railroad Avenue.

Meeting Minutes:

MOTION: Mr. Cutler made a motion, and Mr. Glennon provided a second, to approve meeting minutes of November 14, 2011 as amended.

VOTE: The motion carried unanimously, 5-0.

ZBA Decision, 18 Mullins Avenue / Prince: Mr. Glennon noted that the decision references a Planning Board recommendation that a variance should be required but does not explain why the Zoning Board of Appeals (ZBA) chose not to require a variance. Mr. Bear suggested that this be added to a list of topics to discuss at a future meeting with ZBA members.

ADJOURNMENT

The Planning Board meeting adjourned at 9:08 PM. The next Planning Board meeting will take place on Monday, December 12, 2011 at 7:00 PM at Town Hall, Small Conference Room, lower level.

MATERIALS REVIEWED

POLICE HEADQUARTERS ASPR

- Draft decision dated 11/29/11

454 FRANKLIN STREET AS-BUILT REVIEW

- Letter from applicant dated 10/24/11 re: As-Built approval and escrow release request
- As-Built plan dated 11/03/11
- Original ASPR decision dated 06/08/09
- Modification decision dated 06/16/11
- Letter from P. Screnci (Industrial Communications) re: inspection of steel plates

PROPOSED COMMUNITY PRESERVATION COMMITTEE ARTICLES

- CPA Funding Requests dated 11/21/11

OTHER BUSINESS

- Proposed Annual Town Meeting 2012 articles
- PB Minutes of 11/14/11
- ZBA Decision: 40 Anchorage Lane / Wildlands Trust of Southeastern Massachusetts
- ZBA Decision: 18 Mullins Avenue / Prince

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