



# Town of Duxbury Massachusetts Planning Board

Approved 02/27/12

TOWN CLERK  
12 MAR -1 PM 12:25  
DUXBURY, MASS.

## Minutes 01/23/12

The Planning Board met at the Duxbury Senior Center, 10 Mayflower Street, on Monday, January 23, 2012 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 7:04 PM. Mr. Bear was not yet present because he was attending a Board of Selectmen meeting regarding Community Preservation Committee articles for Annual Town Meeting 2012.

### OPEN FORUM

Variances: Mr. Glennon reported that he had researched a question brought up at the last Board meeting regarding whether a variance is required when a special permit applicant is proposing to perpetuate a nonconformity on a residential lot. He stated that the guiding Massachusetts General Law for nonconforming uses is Chapter 40A, Section 6, referencing in particular case law 80 Mass. App. Ct., p. 331 (2011) Gale v. ZBA Gloucester. He reported that single or two-family structures can be authorized with no Section 6 finding.

Verizon FIOS: Mr. Glennon reported that according to Mr. Rick Cologne of Verizon, the project build-out for FIOS in the town of Duxbury is June 14, 2014, with work slated to resume in 2013.

New Business: Mr. Broadrick noted that two correspondences had been received after packets were mailed to Board members. One is a letter from Town Counsel advising that town boards may employ remote participation for members who can teleconference in from an alternate location. A quorum of members must be present at the meeting. The other letter is from Mr. Scott Lambiase, Director of Inspectional Services, to Ms. Elizabeth Lewis, chairman of the School Building Committee, stating that Administrative Site Plan Review will not be required for the co-located middle and high school approved at Special Town Meeting in October 2011.

### ANR PLAN OF LAND: 0 & 907 TREMONT STREET / ALFIERI AND MILES

Present for the discussion was the applicant, Atty. Lee Alfieri, and his representative, Mr. Daniel Orwig of Orwig Associates, LLC. Staff distributed copies of a revised ANR plan showing a change in lot line to accommodate a 15-foot setback for an existing shed on the property.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Cutler provided a second, to endorse a Plan of Land entitled, "Approval Not Required Plan, 907 Tremont Street, Duxbury, Massachusetts 02332,"

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 148; Fax: 781-934-1137

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dated October 16, 2011, latest revision dated January 18, 2012, stamped and signed by Neil J. Murphy on January 18, 2012, as not requiring approval under Subdivision Control Law.

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

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

**CONSOLIDATED PUBLIC HEARING, DUXBURY PLANNING BOARD AND TREE WARDEN: 584 WASHINGTON STREET / CURRAN**

Mr. Wadsworth opened the public hearing at 7:10 PM. Present for the discussion were Ms. Maria Curran and Mr. Marc Ross of 584 Washington Street, and Mr. James Savonen, Deputy Tree Warden. Ms. Ladd Fiorini read the public hearing notice and the correspondence list into the public record:

- PB minutes of 12/12/11
- Emails between B. Glennon and staff dated 12/16/11 re: Public hearing required
- Emails between C. Ladd Fiorini and staff dated 12/19/11 re: Trees should stay
- Public hearing notice stamped in with Town Clerk on 12/28/11, mailed to direct abutters on 01/03/12, and published in *Duxbury Clipper* on 01/04/12 and 01/11/12.

Mr. Broadrick explained that Ms. Curran has requested permission to cut three trees within the Sunset Road public layout because they are a hazard to sight lines entering or leaving the driveway which is located on Sunset Road.

Mr. Wadsworth invited Ms. Curran to present her proposal. She explained that her residence is located on the corner of Washington Street and Sunset Road. She showed Board members a poster display with photographs, including where the existing and proposed driveways are located on Sunset Road. She showed photographs of the trees on Sunset Road which obstruct views of vehicles exiting the driveway. She stated that vehicles leaving her driveway must creep into the road before there is any view onto Sunset Road. Ms. Curran noted that the property has lost five large trees during storms over the past five years. One of the existing trees along Sunset angles toward the dwelling, and with recent renovations will be even closer. She stated that the sight line issues pose safety threats to her children and dog. Anyone running onto the road is not visible to vehicles on Sunset Road until it is too late. Her dog has been struck by a vehicle on that road and her children have almost been struck numerous times. Even after removing the proposed trees, her property will still have nine shade trees on it. Ms. Curran submitted two letters of support from neighbors.

Mr. Wadsworth invited public comment.

Mr. Christopher Violandi of 15 Sunset Road stated that he grew up in the Curran house and he has observed that Sunset Road is a "racing drive." He stated that the trees in question pose a safety threat due to lack of sight line.

Mr. James Savonen, Deputy Tree Warden, stated that the Tree Department has no objection to the proposed tree removal. Sunset Road is narrow, with a 20-foot layout and 12 feet of pavement. The trees do pose a hazard and he recommended removal.

Ms. Ladd Fiorini asked if there might be other ways to improve safety along Sunset Road, such as a fence or mirror. She also pointed out that there is a leash law in the town of Duxbury, so dogs should not be allowed to go on the street unleashed.

Ms. Lorrie Hall of 175 Abrams Hill stated that if everyone used the same logic as presented by the homeowner, half the trees in the town of Duxbury would need to be removed. She stated that it is in the town's best interest to keep as many shade trees along public ways in order to preserve the town's character.

Mr. Ross stated that the three trees in question pose a threat to safety that would be hard pressed to find anywhere else in town. He urged the Board to act now before anyone is seriously injured. He stated that shade trees will still remain on the property.

Mr. Wadsworth asked if the issue stems from vehicles backing out of the driveway, and Ms. Curran responded that the view is obstructed whether a vehicle is backing out or pulling out.

Mr. Glennon asked if the new driveway will be situated similarly to the current driveway location, and Ms. Curran said it would not; however, the driveway cannot be relocated anywhere else due to the required septic system location on the property.

Mr. Glennon asked if other trees along Sunset Road are located close to the road, and Mr. Savonen stated that other trees along the road are set further into properties. Mr. Glennon stated that while the Board is sensitive to public safety issues, it appears that a fence may be able to resolve some of the issues raised. Mr. Ross stated that while a fence is a good idea, it will not stop children from playing in the street.

**MOTION:** Mr. Glennon made a motion, and Mr. Cutler provided a second, to close the consolidated public hearing for removal of three shade trees along Sunset Road on a property located at 584 Washington Street / Curran.

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

Mr. Cutler stated that while he is sympathetic to Ms. Hall's concerns, this is the first time in his three years with the Board that a shade tree removal request has come up. Mr. Wadsworth noted that he has served on the Board for many years and has seen very few tree hearings. He stated that this road is difficult due to the sight lines and width of Sunset Road and agreed that the trees do pose a safety threat, although there may be other ways to solve issues with children and dogs running onto the road.

**MOTION:** Mr. Glennon made a motion, and Mr. Cutler provided a second, to grant approval to a request for removal of three shade trees along Sunset Road (one Linden 12-16"DBH and two Lindens 20-24"DBH) on a property located at 584 Washington Street / Curran.

**VOTE:** The motion carried 3-1, with Ms. Ladd Fiorini voting against.

## **CONTINUED PUBLIC HEARINGS FOR ANNUAL TOWN MEETING 2012 ZONING ARTICLES: TWO CITIZEN PETITIONS FOR AMENDMENTS TO ZBL SECTION 600 (COMMUNITY-SCALE WIND FACILITIES)**

Mr. Wadsworth opened the continued public hearings for both citizen petitions at 7:30 PM. Ms. Ladd Fiorini read identical correspondence lists into the public record:

- One-page document entitled, "Email from Matt Vanderbrook of SED, 01/09/2012" submitted by S. Fontaine at PB meeting on 01/09/12
- Nine-page document submitted by Sustainable Duxbury at PB meeting on 01/09/12
- Bound document entitled, "Exhibit to Warrant Article \_\_\_, Proposed Amendments to Zoning By-Law 616 Community-Scale Wind Facilities," submitted by Atty. C. Senie at PB meeting on 01/09/12

# PLANNING BOARD MINUTES

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- Bound document entitled, "Duxbury Planning Board, January 9, 2012, Presentation of Citizen Sponsors of Proposed Amendment to Section 616 of the Duxbury Zoning By-Laws, Community-Scale Wind Facilities, Appendix," submitted by Atty C. Senie at PB meeting on 01/09/12
- Draft PB meeting minutes of 01/09/12
- Email from E. Nolan dated 01/12/12 re: sixteen documents for PB review:
  - DWW Planning Board Letter 01/12/12
  - ATT206998.htm
  - Bruce McPherson Infrasound and Low Frequency Noise Study.pdf
  - ATT206999.htm
  - Falmouth Mitigation.doc
  - ATT207000.htm
  - BOH letter.docx
  - ATT207001.htm
  - MWW Supporting Documents Personal Stories.pdf
  - ATT207002.htm
  - ShadowFlicker.docx
  - ATT207003.htm
  - Set Back Document
  - ATT207004.htm
  - Wind Turbines and Public Safety – SETBACKS.docx
  - ATT207005.htm
- Email from J. Levesque to R. MacDonald dated 01/12/12 re: withdrawal of "Long Form" article
- Emails between E. Nolan and D. Grant dated 01/12/12 – 01/13/12
- Email from D. Grant to PB dated 01/13/12 re: Attachments forwarded per request of E. Nolan
- Information package submitted by E. Nolan to Planning Department on 01/17/12:
  - Letter from C. Sherman to Planning Board dated 01/12/12
  - Letter from E. Nolan to Board of Health dated 01/05/12 re: Wind turbine health and safety concerns
  - "Town of Falmouth, Mitigation Reports [Excerpts]" dated December 2011
  - "The Bruce McPherson Infrasound and Low Frequency Noise Study" dated 12/14/11
  - "The McPherson Study: The Infrasound Smoking Gun," dated 12/28/11
  - "Industrial Wind Turbines and Health: Wind Turbines Can Harm Humans," report dated 10/18/11 by the Standing Senate Committee on Energy, the Environment and Natural Resources
  - "Noise and Health" article dated September-October 2011
  - "Windwise Massachusetts, Additional Supporting Documentation" dated 07/19/11
  - "Example of Shadow Flicker" link to YouTube video
  - Diagrams taken from SED Technical Analysis, with link to full report
  - "Acoustical Setback Recommended Setbacks from Residential Properties" from International Symposium dated October 2010
  - "Wind Action Editorial – Wind Turbines and Public Safety: Setbacks Matter," dated 09/22/11
  - "Australian State Launches World's Toughest Wind Turbine Laws," from *The Telegraph* dated 12/23/11
  - Summary of letter written by CEO of Vestas Wind in Denmark
- Document entitled "Information for Planning Board in Regards to Wind Turbine Bylaw Change," signed by C. Mullins, submitted to Planning Department on 01/17/12
- "Independent Expert Science Panel Releases Report on Potential Health Effects of Wind Turbines," Massachusetts Department of Energy Resources report dated 01/17/11, submitted to PB by J. Goldenberg via email
- "In Defense of Current Wind Bylaw," document submitted by S. Fontaine on 01/18/12
- Email from M. Lusardi dated 01/19/12 re: DOER evaluation of proposed citizen amendments to wind bylaw
- Letter from N. Fallaw submitted to Planning Department on 01/19/12

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Approximately 15 members of the public were present for the discussion. Staff distributed two letters of correspondence submitted to the Planning Department after packets were sent to Board members. Mr. Broadrick noted that Town Counsel, Atty. Robert Troy, had issued an opinion regarding a proposal by the petitioner to withdraw the citizen petition for the "Long Form" article regarding proposed amendments to the Wind Facilities bylaw. According to Town Counsel, in order for a citizen petition to be withdrawn, every person who signed the original petition must agree to withdraw it. Mr. Broadrick suggested that the petitioners may wish to propose Indefinite Postponement at Annual Town Meeting instead. He noted that the Board still is required to go through the public hearing process even though the petitioners do not want it to go forward.

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Mr. Jack Murphy of 102 Hounds Ditch Lane gave a Power Point presentation on behalf of the petitioners and Duxbury WindWise, a citizen group that supports amendments to the Wind Facilities bylaw. Mr. Murphy noted that although the Alternative Energy Committee has voted to pursue community solar energy projects rather than wind turbine feasibility-related studies, the residents who proposed the Wind Facilities "Short Form" petition want to move forward with it because they believe that the existing setback is not appropriate.

Mr. Murphy explained that the existing setback is 1.1 times the height of the tower to the nearest property line, and the citizen petition proposes a 15 times setback. The existing height maximum is 250 feet and the petition would change the maximum to 225 feet. He stated that this cautious approach to setbacks reflects worldwide health concerns with wind turbines in every industrial country with turbines. Turbines have caught fire and pose public safety issues; although it is not likely this will happen, it is possible. Ice throw is another potential safety hazard, as is shadow flicker. In addition, aesthetically a wind turbine would dominate the landscape of the town of Duxbury.

Mr. Murphy stated that Duxbury WindWise is not anti-wind but wants wind facilities to be placed responsibly, and too close to a neighborhood is not responsible. Within the past year the Alternative Energy Committee had considered a potential wind facilities site adjacent to the Hounds Ditch neighborhood as part of its preliminary studies.

Ms. Ellen Nolan of 42 Hounds Ditch Lane, also a member of Duxbury WindWise, noted that a large local turbine project recently was permitted and constructed in the town of Kingston without community involvement because Kingston has met state requirements to be designated as a Green Community and there was no requirement to notify abutters.

Mr. Donald Greenbaum of 27 Pill Hill Lane, a member of the Alternative Energy Committee (AEC), stated that he attended the public meetings for the Kingston wind turbine project and it was well-publicized and well-attended by residents including abutters. Mr. Greenbaum noted that the Alternative Energy Committee has decided not to pursue wind energy options at this time due to economic factors considering the existing maximum height. He stated that the proposed lowering of maximum height would render the Wind Bylaw unusable.

Mr. Greenbaum noted that, in response to the Board's request for further education regarding community-scale versus industrial-scale wind facilities, the AEC asked the Massachusetts Department of Energy Resources (DOER) to comment on the "Short Form" citizen petition regarding wind facilities. Quoting an email dated January 19, 2012 from Ms. Meg Lusardi, DOER Green Communities Division Director, "In order for any development to occur, a bylaw is expected to set standards that provide opportunity while protecting public health and safety and minimizing any potential adverse impacts. The setback requirement in the proposed revision to the Duxbury bylaw appears to not provide any opportunity for wind development to occur."

Mr. Greenbaum noted that any wind facilities proposal would go through a special permit process with the Planning Board and there would be plenty of opportunity for public comment.

Mr. Greenbaum also advised the Board that a recent DOER study published on January 17, 2012, "Independent Expert Science Panel Releases Report on Potential Health Effects of Wind Turbines," concludes the following highlights:

- No evidence for a set of health effects from exposure to wind turbines that could be characterized as a 'Wind Turbine Syndrome'
- No association between wind turbine noise and psychological distress, pain and stiffness, diabetes, high blood pressure, tinnitus, hearing impairment, or headache/migraine.

Mr. Greenbaum stated that the existing Wind Facilities bylaw was a process that took over two years. Ms. Nolan stated that a lot has changed in two years and there are a lot of conflicting stories so some residents do not want to take that risk.

Mr. Christopher Sherman of 92 Hounds Ditch Lane, a member of Duxbury WindWise, stated that while essentials need to be funded, wind energy is not essential. He stated that his group is trying to raise the bar due to the "cringe factor" associated with wind turbines. He stated that it appears that for wind projects in other towns the taxpayers have been funding them and developers are profiting. He stated that a 3,000 foot setback is reasonable for the town of Duxbury. The technology needs to catch up in order to produce more power with shorter turbines.

Ms. Susan Fontaine of 53 Railroad Avenue, a member of the Alternative Energy Committee and a citizen group, Sustainable Duxbury, stated that there is no motivation to change the Wind Facilities bylaw. The state study showed that the health effects of wind turbines are questionable at best.

Mr. Greenbaum reminded Board members that there is currently no proposed wind turbine project in the town of Duxbury. He stated that the proposed amendment basically kills any future opportunity for a wind turbine in the town because the setbacks and height proposed go against standards for community-scale projects. He stated that the existing bylaw is based on current technology, and there is no point in effectively barring wind turbines in the town.

Mr. Bear arrived at the meeting at this point (8:33 PM).

Ms. Caroline Mullins of 65 Hounds Ditch Lane supported the amendment for setbacks at 15 times the height. She pointed out that she had provided Board members with a visual of the potential impact of shadow flicker on homes surrounding a wind turbine, stating that no residents should have their lives degraded in this way.

Mr. Scott Casagrande of 500 Washington Street pointed out that a special permit for a community-scale wind facility would go through the Board and because it would not be a variance there would be no restrictions as long as the project met requirements of the Zoning Bylaw.

Ms. Nolan asked for Board comments regarding existing Zoning Bylaw 401.1 (Basic Requirements for All Districts, Prohibited Uses) which prohibits any use which will produce "...hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors...offensive noise or vibration, flashes...which may affect or impair the normal use of any property." Mr. Wadsworth responded that the Zoning Bylaws provide general language to protect residents; however, a two-thirds vote of Annual Town Meeting also allowed a wind facilities bylaw. Voters will be asked to weigh in again this year at Annual Town Meeting on the proposed citizen petitions.

Mr. Dan Campbell of 904 Tremont Street stated that there is good reason to amend the Zoning Bylaws. He expressed concerns with health, property values and safety.

Mr. Glennon noted that current Zoning Bylaws appear to allow vertical axis turbines and asked whether residents have issues with that configuration. Mr. Greenbaum responded that very few vertical axis towers are being built today. He cautioned the Board of the danger in changing Zoning Bylaws "just in case," noting that many examples submitted to the Board relate to industrial turbines, not community-scale.

Ms. Nolan stated that new technology is on the horizon, noting a 73-foot turbine that is being manufactured in Massachusetts. Mr. Glennon asked if the new types of turbines have similar health issues to the ones outlined in a large packet of information Ms. Nolan submitted to the Board, and she responded that although

information is anecdotal, there appear to be no negative noise or flicker effects. Mr. Greenbaum suggested that Zoning Bylaws should address what is available right now, not in the future.

Mr. Dan Ryan of 55 Hounds Ditch Lane, a member of Duxbury WindWise, noted that risk management is hard to estimate. The "Long Form" citizen petition was proposed in order to address issues raised in other towns such as wind shear. The short version addresses concerns in a broader way by proposing only changes in height and setback. The foremost goal was to protect the well being of residents for alternative energy projects. Although the radius in the short version may be debatable as presented during the slide show, the WindWise group believes that it would be effective in addressing health issues.

Mr. Wadsworth noted that once the public hearings are closed, no additional input can be taken.

**MOTION:** Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to close the public hearing regarding a "Long Form" citizen petition with thirteen proposed amendments to Zoning Bylaw Section 616 (Community-Scale Wind Facilities).

**VOTE:** The motion carried unanimously, 5-0.

Therefore, the public hearing for the "Long Form" citizen petition was closed.

**MOTION:** Mr. Cutler made a motion, and Mr. Glennon provided a second, to recommend Indefinite Postponement of a "Long Form" citizen petition with thirteen proposed amendments to Zoning Bylaw Section 616 (Community-Scale Wind Facilities).

**VOTE:** The motion carried 4-0-1, with Mr. Bear abstaining because he had missed a portion of tonight's public hearing.

Board members then addressed the "Short Form" citizen petition.

**MOTION:** Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to close the public hearing regarding a "Short Form" citizen petition with four proposed amendments to Zoning Bylaw Section 616 (Community-Scale Wind Facilities).

**VOTE:** The motion carried unanimously, 5-0.

Therefore, the public hearing for the "Short Form" citizen petition was closed.

Mr. Cutler noted that a full Board is not present to vote on this proposed amendment. Mr. Bear stated that he would like an opportunity to listen to the portion of the public hearing that he was not present for. Board members agreed to address the vote at its meeting of February 13, 2012.

### **PUBLIC MEETING, REVIEW OF PRELIMINARY CONVENTIONAL SUBDIVISION PLAN AND RESIDENTIAL CONSERVATION CLUSTER CONCEPT PLAN: OFF SUMMER STREET / KOPLOVSKY**

The public meeting commenced at 9:07 PM. Present to represent the application was Mr. Steve Katowsky of Webby Engineering Associates, Inc. of Plympton. Mr. Broadrick noted that the Board has 45 days from the application date of December 22, 2011 to make a determination of the number of lots possible and whether the land is better suited for a Residential Conservation Cluster (RCC) or conventional grid subdivision. He

reported that the Development Review Team recommended the grid subdivision because open space is provided with the adjacent 27 acres of conservation land purchased this past year from Mr. Koplovsky.

Mr. Katowsky noted that the proposed land subdivision totals approximately six acres with frontage on Summer Street. The applicant is proposing four lots on both the RCC plan and grid subdivision plan. The land is zoned Residential Compatibility and Planned Development.

Ms. Ladd Fiorini questioned whether there is enough upland on the two rear lots to accommodate dwellings, and Mr. Katowsky replied that dwellings would be positioned in virtually the same location under either the RCC or grid subdivision. The applicants were restricted in their design by a 50-foot roadway and septic system requirements. Ms. Ladd Fiorini noted that proposed Lot 3 only has a small amount of buildable area as well, and Mr. Katowsky responded that they may need to file with the Conservation Commission for construction on that lot. Mr. Wadsworth noted that it may have perc issues as well, and Mr. Katowsky responded that because the land is composed largely of gravel deposit the perc tests should be fine.

Mr. Cutler asked why DRT members recommended a grid subdivision when the RCC is preferred according to Zoning Bylaws. Mr. Broadrick reviewed the requirements of Zoning Bylaw Section 540.3 (RCC – Applicability) and stated that DRT members felt that the grid subdivision would work better for this land. Mr. Wadsworth asked if the DRT members attended a site walk, and Mr. Broadrick replied that the DRT members are familiar with the site. In general, DRT members appear not to prefer clusters.

Mr. Bear noted that the purpose of the RCC bylaw is to achieve the least amount of disturbance possible. If the dwellings will be in the same location and the roadway is similar, the disturbance looks to be minimal with a grid subdivision.

Mr. Wadsworth asked Board members if they would prefer to conduct a site visit. Members agreed that they did not wish to schedule a site visit.

Mr. Glennon stated that it appears that most of the development would require Conservation Commission review. To achieve the least amount of disturbance, he stated that the RCC is preferred. He stated that, for example, on Lots 2 and 3 there is not a lot of available land and with the RCC plan he can see where the dwelling would be located. The property appears to be very wet, so an RCC makes more sense and may yield greater developability. He noted that Zoning Bylaws require RCC unless a conventional grid makes more sense. He does not see how this is true for this property.

Mr. Katowsky noted that the dwellings would be positioned similarly under either scenario. It is an advantage to the developer to have sellable lots and the conventional 40,000 square foot lots would be more beneficial.

Mr. Wadsworth asked where the drainage would be located and Mr. Katowsky replied that it would be located in the 3.6 acre open space area. Board members and Mr. Katowsky speculated on different lot and roadway configurations.

Mr. Wadsworth polled Board members on their determination of which type of subdivision is best suited for this land. Mr. Cutler recommended RCC, noting that it would help the town provide diversity in housing stock. Mr. Glennon stated that although he does not like clusters because he prefers larger lots, in this instance he is constrained by Zoning Bylaws which give a preference to RCC developments. Mr. Bear stated that looking at the measure of disturbance there is a minimal amount of cutting that can be done due to wetlands, and therefore he recommends the grid subdivision. Ms. Ladd Fiorini stated that she is undecided, noting that Zoning Bylaws prefer RCC; she stated that she would be interested to see a “modified grid” reducing the size of the proposed cul-de-sac. Mr. Bear agreed. Mr. Wadsworth noted that Zoning Bylaws consider a grid



subdivision as an exception and the RCC as the rule. Mr. Katowsky asked under what circumstances a grid might be considered less of an impact.

**MOTION** Mr. Glennon made a motion, and Mr. Cutler provided a second, to approve no more than four (4) lots under a Residential Conservation Cluster as requested by Brainfrank Nominee Trust / Koplovsky for consideration of a proposed Residential Conservation Cluster (RCC) concept plan and a preliminary Conventional Subdivision plan at 0 Summer Street, for the following reasons:

- The topography will be preserved to a greater degree
- The stormwater runoff will be minimized to a greater degree
- More appropriate site planning and greater protection of the site's natural features
- Views and vistas and abutting properties would be better preserved
- Less threat to public safety
- No site-specific concerns that would preclude an RCC development.

**VOTE:** The motion carried 4-1, with Mr. Bear voting against.

## OTHER BUSINESS

### Meeting Minutes:

**MOTION:** Mr. Cutler made a motion, and Mr. Glennon provided a second, to approve meeting minutes of January 9, 2012 as amended.

**VOTE:** The motion carried unanimously, 6-0.

## ADJOURNMENT

The Planning Board meeting adjourned at 10:10 PM. The next Planning Board meeting will take place on Monday, February 13, 2012 at Duxbury Town Hall, lower level.

## MATERIALS REVIEWED

### NEW BUSINESS

- Memorandum from R.S. Troy dated 12/23/11 and submitted to Planning Office on 01/19/12 re: Remote Participation
- Letter from S. Lambiase to E. Lewis dated 01/19/12 re: ASPR not required for School Building Project

### ANR PLAN OF LAND: 0 & 907 TREMONT STREET

- ANR plan submitted on 01/19/12 and distributed at meeting

### SHADE TREE HEARING, 584 WASHINGTON STREET

- Public hearing notice
- GIS map, Assessor's property card, and Pictometry orthophoto
- Emails between D. Grant, T. Broadrick and B. Glennon dated 12/14/11 – 12/19/11
- Email from C. Ladd Fiorini dated 12/19/11
- Letter from P. & L. Anicelli dated 01/20/12 re: support for tree removal
- Letter from P. & M. Quigley dated 01/22/12 re: support for tree removal

### ATM ZONING ARTICLE HEARING RE: COMMUNITY-SCALE WIND FACILITIES CITIZEN PETITION (SHORT FORM) AND COMMUNITY-SCALE WIND FACILITIES CITIZEN PETITION (LONG FORM)

- Draft PB meeting minutes of 01/09/12
- Email with attachments from E. Nolan dated 01/12/12 re: sixteen documents for PB review:
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  - Memorandum from R.S. Troy dated 01/23/12 re: provisions for withdrawing citizen petition
- RCC/GRID REVIEW, 0 SUMMER STREET / KOPLOVSKY
- Preliminary RCC/Subdivision application and plans submitted 12/22/11
  - GIS map, Assessor’s property cards, and Pictometry orthophoto
  - PB meeting minutes of 08/15/11
  - DRT minutes of 01/09/12
  - ANR plan endorsed by the PB on 08/15/11
- OTHER BUSINESS
- Minutes of 01/09/12

TOWN CLERK  
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DUXBURY MASS.

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January 23, 2012

Public Hearings:  
Tree Hearing, 584 Washington Street,  
Zoning Articles for Annual Town Meeting 2012

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DUXBURY, MASS.

*Please print your name and address for our records:*

Name

Address:

JACK MURPHY

102 HOUNDS DITCH LANE

Candace Neuh

65 HOUNDS DITCH

JIM SAVONEN

878 TREMONT ST.

Susan Fontaine

53 Railroad Ave Apt 1

Chris Violand

15 Sunset Rd

Marc Ross

584 Washington St

Maria Curran

584 Washington St

Ellen Nolan

Duxbury

DAN CAMPBELL

DUXBURY

Dan Ryan

55 Hounds Ditch Ln

LAURE MCINTOSH

62 HOUNDS DITCH LN

Chris Sherman

Hounds Ditch Lane

# SIGN IN SHEET

January 23, 2012

Public Hearings:  
Tree Hearing, 584 Washington Street,  
Zoning Articles for Annual Town Meeting 2012

TOWN CLERK  
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*Please print your name and address for our records:*

Name

Address:

Jonnie Hall

175 Abrahams Hill

Don Hall

" " "

Don Greenbaum

27 Pill Hill Ln