



# Town of Duxbury Massachusetts Planning Board

Approved 02/27/12

TOWN CLERK  
12 MAR -1 PM 12:27  
DUXBURY, MASS.

## Minutes 02/13/12

The Planning Board met at the Duxbury Town Hall, Small Conference Room, on Monday, February 13, 2012 at 7:00 PM.

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

Absent: Amy MacNab, Chairman; John Bear, and Jennifer Turcotte.

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

Mr. Wadsworth called the Planning Board meeting to order at 7:00 PM. There were no Open Forum items.

### PREPARATION FOR ANNUAL TOWN MEETING 2012

Board members reviewed a list of articles that relate to land use.

**MOTION:** Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to defer voting on any Annual Town Meeting article not sponsored by the Planning Board.

**DISCUSSION:** Mr. Wadsworth noted that the Board of Selectmen is expecting to hear a recommendation from the Planning Board regarding the Wind Facilities Short Form citizen petition. Mr. Glennon noted when the public hearing closed at the Board's last meeting, the public was advised that the Board would be addressing its vote at tonight's meeting.

**MOTION WITHDRAWN:** Mr. Cutler withdrew his motion, and Ms. Ladd Fiorini withdrew her second.

#### CPC Article – CPA Surcharge \$100K Exemption:

**MOTION:** Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to recommend APPROVAL of an article initiated by the Community Preservation Committee to allow a \$100,000 Community Preservation Act surcharge exemption.

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

#### Citizen Petition – CPA Surcharge Reduction from 3% to 1%:

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Cutler provided a second, to recommend DISAPPROVAL of a citizen petition article to reduce the Community Preservation Act surcharge from three percent to one percent.

**VOTE:** The motion carried 3-0-1, with Mr. Glennon abstaining.

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

Old Colony Planning Council Membership:

**MOTION:** Mr. Cutler made a motion, and Mr. Glennon provided a second, to recommend APPROVAL of an article sponsored by the Planning Board for the town to join the Old Colony Planning Council for one year.

**DISCUSSION:** Mr. Cutler, who originally proposed the article, recommended that the town keep both memberships for one year before making any changes. He noted, however, that the town may choose to withdraw its current Metropolitan Area Planning Council (MAPC) membership if residents are concerned with the cost of belonging to two regional planning agencies. Mr. Broadrick supplied Mr. Cutler with information on the cost of memberships that he could use in explaining the article at Annual Town Meeting.

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

Local Historic District Bylaw Amendments:

**MOTION:** Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to recommend APPROVAL of an article sponsored by the Local Historic District Commission to amend the town's Local Historic District Bylaw in accordance with recommendations from the Attorney General's office.

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

Alternative Energy Committee Article to Adopt Stretch Code:

**MOTION:** Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, to recommend APPROVAL of an article sponsored by the Alternative Energy Committee to adopt the "Stretch Energy Code."

**DISCUSSION:** Mr. Cutler noted that adoption of the Stretch Code is another step toward the town of Duxbury being designated as a Green Community by the state. Costs involved would go toward investments that the town may already desire, such as energy-efficient windows. He stated that several other towns surrounding Duxbury have already received this designation.

Mr. Christopher Sherman of 92 Hound's Ditch Lane expressed concern that the Green Communities status may erode local control and therefore may have an environmental impact similar to Chapter 40B projects. Mr. Wadsworth noted that the Stretch Code is a building code that supports energy efficiency. Mr. Broadrick added that the town will not lose protections with the adoption of the Stretch Code because a special permit is still required for constructing wind facilities in the town of Duxbury. The Stretch Code is simply an addendum to the existing State Building Code.

Mr. Glennon and Ms. Ladd Fiorini both stated that because they are not familiar with the Stretch Code, they would need more time to review it before voting on a recommendation. Staff offered to provide a copy of the code for Board members to review.

**MOTION WITHDRAWN:** Mr. Cutler withdrew his motion, and Ms. Ladd Fiorini withdrew her second.

Therefore, the topic will be added to the agenda for the next Planning Board meeting on February 27, 2012.

TOWN CLERK  
12 MAR -1 PM 12:27  
DUXBURY, MASS.

Citizen Petition to Amend ZBL 616 (Wind Facilities) Short Form:

Mr. Wadsworth noted that the public hearing was closed at the Board meeting of January 23, 2012, and therefore no public comment can be given.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to recommend DISAPPROVAL of a citizen petition to amend Zoning Bylaw Section 616 (Community-Scale Wind Facilities) Short Form for Annual Town Meeting 2012.

**DISCUSSION:** Mr. Cutler stated that he had helped develop the current bylaw and noted that the attorney for the citizen petition proponents had recognized that it was a well-written bylaw. Mr. Cutler added that he is open to suggestions to change it and agrees that an increase in setback may be warranted. However, the citizen petition establishes a setback framework that cannot be met and he stated that he does not believe it would pass muster with the Attorney General. Mr. Cutler concluded that he would prefer to see the proposal amended and would recommend that the article be indefinitely postponed to allow time for the proponents to come back with a more reasonable setback.

Mr. Glennon stated that even though no turbines are currently proposed, he agrees with residents that it is better to take care of any amendments to the bylaw before a project is filed. He also agreed with Mr. Cutler that the current setback standards may need to be amended, noting that more study on health effects of wind turbines may be needed. He stated that the citizen petition proposal for a setback at 15 times the height of the turbine from the nearest property line would essentially prohibit the use of wind turbines in the town, and agreed that the Attorney General may not approve the article if it passed at Town Meeting. He stated that perhaps it will come to pass that the Wind Facilities bylaw needs to be removed, but he has difficulty supporting an amendment that would make it impossible to construct one. He recommended that the WindWise group, proponents of the citizen petition, work with the Alternative Energy Committee and/or the Zoning Bylaw Review Committee to make a new proposal based on further research.

Ms. Ladd Fiorini noted that the arguments that Mr. Cutler and Mr. Glennon brought up were behind her intent when she made the motion. Mr. Cutler suggested that Ms. Ladd Fiorini consider withdrawing her motion.

**MOTION WITHDRAWN:** Ms. Ladd Fiorini withdrew her motion, and Mr. Glennon withdrew his second.

**MOTION:** Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to recommend INDEFINITE POSTPONEMENT of a citizen petition to amend Zoning Bylaw Section 616 (Community-Scale Wind Facilities) Short Form for Annual Town Meeting 2012.

**DISCUSSION:** Mr. Wadsworth noted that the article needs work and may not pass muster with the Attorney General.

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

Mr. Glennon expressed his appreciation to Mr. Sherman for the hard work the Duxbury WindWise group has done to educate the Board and the public regarding wind turbines. Mr. Sherman stated that he has experience with town government as a former Finance Committee member in another town, noting that the town of Duxbury is fortunate to have a wide range of talented minds contributing their time. He noted that the Alternative Energy Committee members listened to concerns raised by the WindWise group and the process was productive.

TOWN CLERK  
12 MAR - 1 PM 2:27  
DUXBURY, MASS.

**ZBA REFERRAL: 21 CHESTNUT STREET / GRIFFIN**

Because the Board of Selectmen was expecting the Planning Board to join their meeting, Mr. Wadsworth deferred this discussion until the next Board meeting on February 27, 2012.

**OTHER BUSINESS**

As Board members prepared to depart for the Board of Selectmen meeting, Mr. Glennon said that although he would have preferred that the Board take up these matters as anticipated, because of time constraints he requested that agenda items regarding meeting minutes and Administrative Site Plan Review of the new co-located middle school and high school project be moved to the next meeting agenda.

**ADJOURNMENT**

The Planning Board meeting adjourned at 7:37 PM and a non-quorum of three members joined the Board of Selectmen meeting in the Mural Room to participate in discussion on land use articles for Annual Town Meeting. The next Planning Board meeting will take place on Monday, February 27, 2012 at Duxbury Town Hall, lower level.

**MATERIALS REVIEWED**PREPARATION FOR ANNUAL TOWN MEETING 2012

- PB Votes ATM 2012 list
- Memo from R.S. Troy dated 01/23/12 re: Comments on articles
- FEMA letter dated 01/17/12 re: FEMA map adoption date

BOARD OF SELECTMEN MEETING RE: ARTICLES FOR ANNUAL TOWN MEETING 2012

- Summary of PB Related Articles

ZBA SPECIAL PERMIT AMENDMENT REFERRAL: 21 CHESTNUT STREET / GRIFFIN

- Special permit application and materials received on 01/26/12
- GIS map, Assessor's property card, and Pictometry orthophoto
- ASPR decision dated 08/21/06
- Special permit decision dated 11/20/06
- PB referral recommendation dated 12/21/09
- PB referral recommendation dated 04/28/10

OTHER BUSINESS

- Minutes of 01/23/12
- Letter from S. Lambiase to E. Lewis dated 01/19/12 re: No ASPR required for new school project
- Letter from Atty. R.W. Galvin dated 01/23/12 re: 1053 Tremont Street remand
- Letter from UMass Amherst dated 01/13/12 re: Keystone training
- Letter from Planning Commissioners Journal dated 01/20/12

TOWN CLERK  
12 MAR -1 PM 12:27  
DUXBURY, MASS.