



Town of Duxbury Massachusetts Planning Board

Approved 09/10/12

TOWN CLERK
12 SEP 11 PM 12:38
DUXBURY, MASS.

Minutes 08/27/12

The Planning Board met at the Duxbury Senior Center, 10 Mayflower Street, Ellison Room, on Monday, August 27, 2012 at 7:00 PM.

Present: George Wadsworth, Chairman; Brian Glennon, Vice Chairman; John Bear, Scott Casagrande, and Josh Cutler.

Absent: Cynthia Ladd Fiorini, Clerk; and Jennifer Turcotte.

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

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

OPEN FORUM

Community Preservation Committee (CPC): Mr. Bear announced that the CPC will be accepting applications for CPA funding proposals beginning in September.

Open Space Committee: Mr. Glennon reported that the Duxbury Litter Sweep will take place on Saturday, October 6, 2012.

Alternative Energy Committee: Mr. Broadrick reported that a site plan for the final design of the solar array project was submitted today. An informal site plan review will be scheduled for the Planning Board's next meeting on September 10, 2012.

INITIAL PUBLIC HEARING, SPECIAL PERMIT FOR LAND CLEARING: 16 HOUNDS DITCH LANE / LILIENTHAL

Mr. Wadsworth opened the public hearing at 7:05 PM. Mr. Glennon read the public hearing notice and correspondence list into the public record:

- Email from S. Lambiase to T. Broadrick dated 03/05/12 re: Cease & Desist
- Letter from S. Lambiase to S. Lilienthal & L. Sweere dated 03/05/12 re: Cease & Desist order
- Letter and Schematic Plan from C. Phillips of Phillips Tree to S. Lambiase dated 03/19/12 re: explanation of tree clearing
- Letter from S. Lambiase to S. Lilienthal & L. Sweere dated 03/28/12 re: Cease & Desist lifted
- Email from L.S. Lilienthal to D. Grant dated 03/28/12 re: authorization for M. Casey to act on behalf of applicants
- Letter from G. & C. Jordan to Planning Board dated 04/09/12 re: request for zoning enforcement
- Letter from G. Wadsworth to G. & C. Jordan dated 04/12/12 re: response to request for zoning enforcement
- Plan entitled, "Certified Plot Plan for a Landscape Design at 16 Hound's Ditch Lane, Duxbury, MA," submitted by M. Casey of South Shore Survey on 04/18/12
- Planning Board minutes of 05/21/12
- Email from G. Wadsworth to R. MacDonald dated 06/01/12 re: no application submittal
- Land Clearing Special Permit application and plans submitted on 06/28/12
- Public hearing extension signed by M. Casey on 06/28/12
- Public hearing notice stamped in with Town Clerk on 08/06/12

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

- Legal notice published in the Duxbury Clipper on 08/08/12 and 08/15/12
- Emails between M. Casey and D. Grant dated 08/08/12 re: abutters list
- Letter from M. Nelson & J. Estey of Horsley Witten to Planning Board dated 08/16/12 re: consulting engineer review

Present for the discussion were the applicant, Mr. Stephen Lilienthal, and his representatives: Mr. Mark Casey of South Shore Survey in Kingston, Mr. Steven Tomasi of A.J. Tomasi Landscaping, and Mr. Christopher Phillips of Phillips Tree in Duxbury. Also present was the town consulting engineer, Ms. Jane Estey of Horsley Witten Group in Sandwich.

Mr. Wadsworth invited the applicants to make a presentation. Mr. Casey stated that Mr. Lilienthal contacted him to survey his property after a significant storm a year ago and an early snow storm last October had left behind some dead and decaying trees. Following Mr. Casey's survey work, Mr. Tomasi and Mr. Phillips were called in. Mr. Casey reported that Mr. Phillips did the tree clearing and then Mr. Lilienthal was given a stop work order, which mortified him. In response, Mr. Casey stated that he went to see Mr. Scott Lambiase, Zoning Enforcement Officer, and told Mr. Lambiase that the homeowner was simply clearing trees that had been damaged in storms, and Mr. Lambiase replied that he had issued the stop work order because he had not witnessed the damage. Mr. Casey stated that after Mr. Lambiase met with Mr. Wadsworth and Mr. Broadrick, Mr. Lambiase told Mr. Casey that he would lift the stop work order if a special permit application is filed. Mr. Casey stated that Mr. Tomasi then submitted a landscape plan.

Mr. Phillips of Phillips Tree stated that Mr. Lilienthal called him in February about damaged trees. He assessed the situation and noted that there were problems with power lines. Trees affected included locusts, cherry trees and invasive vines. Mr. Phillips said that they tried to salvage some but ended up clearing it all in order to start over. Mr. Phillips stated that the trees could have been a fire hazard; vines were taking over everything and some of the treetops had snapped. He stated that they were able to save a maple tree near the abutting Jordan's property, and also a black elm tree near electrical lines.

Mr. Wadsworth asked Mr. Phillips if he was aware of the tree clearing bylaw, and Mr. Phillips responded that he was not aware then but he is aware now. Mr. Phillips asked when the bylaw went into effect and Mr. Bear said that it has been in effect at least since 2003. Mr. Wadsworth noted that the bylaw states that a permit is required for clearing in excess of 30,000 square feet.

Mr. Tomasi spoke next, stating that in February or March when he first came to the site he found the land cleared. The black locust trees that were removed will get thorns up to 8-10 inches long. Mr. Tomasi stated that he was asked to look at buffering and re-vegetation. A buffer of conifers was installed which will eventually provide a buffer. His firm added 4-6 inches of topsoil and did all the plantings, including planting grass with a meadow-like seed mix.

Mr. Wadsworth asked if the property is located within the Aquifer Protection Overlay District, and Mr. Casey responded that it is. Mr. Casey distributed photos of the property taken after the clearing. Mr. Wadsworth noted that the photos were not dated.

Mr. Casey stated that Zoning Bylaw 611.5 exempts hazardous trees and diseased plantings from land clearing filing. He stated that he felt that the clearing met the exemptions, but Mr. Lambiase could not agree because he had seen no evidence. Mr. Casey suggested that the tree warden should be the judge of whether trees meet the exemption or not. Mr. Casey also noted that the bylaw appears to be written for clearing for the purpose of land development. Mr. Wadsworth responded that he was on the CPZBIC group that proposed the bylaw and the intent of the bylaw was to cover any land clearing in excess of 30,000 square feet, not only land that was to be cleared for development. Mr. Wadsworth stated that selective cutting and vine removal would be limited clearing, but this was not limited clearing, and there was no Town Hall inquiry prior to the clearing.

Mr. Wadsworth invited the town consulting engineer, Ms. Jane Estey of Horsley Witten, to speak next. Ms. Estey referenced her letter to the Board dated August 16, 2012, noting that she would be providing highlights of that letter. She noted that this is an after-the-fact application and she had looked at surrounding areas to determine what would be appropriate and she also had asked for further documentation of what existed on the site before the clearing. Several concerns emerged based on Zoning Bylaws:

- Habitat for wildlife – Although this is not an area marked as a Priority Habitat for Rare or Endangered Species, a Google Earth photograph shows a continuous forested area that is now fragmented due to the clearing.
- Erosion control – Although the site has been re-vegetated, the applicants have not submitted an Erosion and Sedimentation Plan required by the Zoning Bylaws. She noted that the Planning Board has discretion to waive requirements.
- Street view / aesthetic character – The public view is of a fence, unlike the properties surrounding the property. Norway spruces have been planted inside the fenced area, which is not a native species. She noted that no grades appear to have changed and no impervious surfaces were added.

Ms. Estey noted that the overall question is if the current plan does enough to address Zoning Bylaw concerns, noting that the Planning Board has the discretion to decide if more plantings are needed. She noted that the property is located in the Aquifer Protection Overlay District and there is a maintained lawn now where there was not one before.

Mr. Wadsworth asked if any erosion or sedimentation evidence was observed on site, and Ms. Estey replied that her view was from the public way, although she believes it is stable. Mr. Wadsworth noted that what pre-existed is only by word of mouth, and Ms. Estey confirmed that no documentation was submitted of plants and trees removed. Mr. Casey noted that a landscape plan was submitted, and stated that clearing done within the public way may have been done by NStar.

Mr. Cutler asked for clarification on the non-native plants, and Ms. Estey replied that there may be an issue with survival of non-native plants, and it is also an aesthetic issue. Mr. Wadsworth asked about the trees saved, and Mr. Phillips responded that most of the trees saved were on the northwest corner of the property, although the Jordans asked that the maple tree near their property be saved.

Mr. Bear asked how long the property owners had lived there, and Mr. Lilienthal responded that they have lived there 2 ½ years. Mr. Bear asked when the work was done, and Mr. Phillips responded that it was done in February to March. Mr. Bear asked if the Building Inspector saw the work being done, and Ms. Courtney Jordan of 8 Hounds Ditch Lane stated that she went to see Mr. Lambiase, the Building Inspector, after the clearing and he told her that he had been waiting for someone to stop by and complain. According to Ms. Jordan, Mr. Lambiase said he does not pursue a zoning violation unless he hears a complaint.

Mr. Bear asked why the work was done, and Mr. Lilienthal explained that he contracted Mr. Casey to survey the land to verify property lines in late January. The clearing was done by the end of February. On March 7 he received the Cease & Desist order, then he talked to Mr. Casey and Mr. Lambiase. Knowing that he needed to file for a special permit, Mr. Lilienthal stated that he wanted to get the planting done quickly. Approximately 120 Norway spruces about 8 to 10 feet high were planted. Another 70+ plantings were also installed, including maples, dogwoods and other plants. Mr. Lilienthal stated that he was trying to create a natural landscape to address the disaster caused by a hurricane and an early wet snow. He stated that he had no idea that he had crossed any line of error but did try to address it immediately when he discovered that he had.

Mr. Tomasi explained that the new lawn has been cut only to allow the grass seed to mature; the intent is to have a meadow. Although the Google Earth photo shows a canopy of trees it is not known what type of trees they were. They put back more than 125 conifers plus a couple of dozen other types of trees. He stated that he

does not believe there was wildlife habitat on the land that was cleared. Mr. Lilienthal added that there is a densely wooded area near his house that provides plenty of habitat for wildlife.

Mr. Wadsworth opened the floor to public comment.

Mr. Gregg Jordan of 8 Hounds Ditch Lane stated that he and his wife are most impacted by the clearing because they are direct abutters. He stated that he wants answers that he feels the Board has not been able to get so far. He stated that the Zoning Enforcement Officer, Mr. Lambiase, was obliged to enforce a zoning requirement when his wife filed a verbal complaint even though he was aware and waiting for someone to say something. Mr. Jordan stated that he called Mr. Lambiase after the Cease & Desist order was issued, and at that time Mr. Lambiase told Mr. Jordan that he decided to lift the Cease & Desist order because it was clear to him that the Planning Board would approve the special permit plans. Mr. Jordan stated that he was taken aback by this statement because it appeared that Mr. Lambiase did not have authority to lift the Cease & Desist order. Mr. Jordan noted that the Planning Board was unaware that the Cease & Desist order had been lifted when he and his wife attended a Planning Board meeting on May 21, 2012. He stated that he feels that Mr. Lambiase used his "special authority" to give someone else relief and that his rights have been trampled upon.

Mr. Jordan submitted several "before and after" photographs that show views of the Lilienthal property from the Jordan's yard. He stated that he and his wife have to look at the clearing every day and what was a forested view is now a "hideous" brown fence. He stated that the purpose of the special permit is for preservation and irreversible damage has been done. He stated that most of the vegetation removed were trees of 6 inches or greater in diameter. He stated that the wildlife has diminished: where there were previously deer, wild turkeys and foxes, he has seen none this summer. He stated that recently he had seen does stopped on Tremont Street because they could not pass through the property due to the new fence. There is also more traffic noise because the tree buffer has been removed.

Mr. Jordan stated that this process has been frustrating and very stressful. He stated that he met Mr. Lilienthal for the first time tonight. He discovered overnight that the land had been cleared. He stated that although he is disgusted that Mr. Phillips was unaware of the bylaw, his larger concerns are with the town and specifically with the Zoning Enforcement Officer not doing his job. Mr. Wadsworth noted that the Planning Board has no authority over the Zoning Enforcement Officer, who works for the Town Manager and Board of Selectmen. Ms. Courtney Jordan added that "he works for us."

Ms. Selden Tearse of 704 Bay Road asked if the homeowners violated Zoning Bylaws, and Mr. Wadsworth confirmed that they cleared in excess of 30,000 square feet, which is a zoning violation. Ms. Tearse asked if Mr. Lambiase, the Zoning Enforcement Officer, knew what was going on, and Mr. Wadsworth responded that he appears to have known although he was not present at the meeting to confirm. Ms. Tearse asked how the town could fire Mr. Lambiase, and Mr. Wadsworth responded that she would need to speak to the Town Manager or the Board of Selectmen. Ms. Tearse stated that this situation is unbelievable and the town should be horrified.

Mr. Robert Mustard of 56 Myles View Drive stated that because it is such a visible area most people were aware of the clearing. He stated that the Planning Board is responsible for maintaining the rural character of the town and there is no rural character on this property where the land has been cleared. He placed the blame with the Planning Board. He stated that the grove of trees placed on the property now does not look natural.

Ms. Jeanne Clark of 88 Surplus Street stated that she has three acres, similar in size to the Lilienthal property, and she has maintained that property since 1955 to look natural, noting that the natural landscape provides privacy. She questioned why a homeowner would put up a fence without talking to the abutting neighbors. She also suggested that the Board walk the site.

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Ms. Lorrie Hall of 175 Abrams Hill asked if there are loopholes to get around the requirement to file for a special permit, and Mr. Wadsworth responded that the Zoning Bylaws are clear that if a property owner intends to clear in excess of 30,000 square feet they need to file for a special permit. He stated that the priority now is to get answers on how to restore that vegetation. Ms. Hall suggested that large hardwood trees should be planted rather than the arborvitae that were planted, because they would fit the rural character and would provide shelter.

Ms. Sarie Booy of 1112 Tremont Street noted that she is an abutter to the north of the Lilienthal property, and stated that she was not aware of the land clearing bylaw. She stated that she watched the process like most neighbors and said that they all should have spoken while it was happening. She stated that she is not greatly affected by the land clearing. She suggested that some climbing vines such as autumn clematis or hydrangea could be planted outside the fence to soften its look.

Ms. Courtney Jordan of 8 Hounds Ditch Lane stated that because the fence is built three feet inside the Lilienthal property line, she is unable to plant anything directly outside the fence. She stated that she and her husband have brought in dirt in order to build a berm on their side of the property line and they do not want shrubs. Ideally they would like their view of the Lilienthal home to disappear.

Ms. Shirley Muirhead Jenkins of 17 Fairway Lane stated that she is the landscape designer for the Jordans. She stated that what happened to the Jordans is "unconscionable" and that the clearing and plastic fence are "reproachable." She stated that she has never seen black locusts with 9 inch thorns. She stated that the clearing was wrong and should never have happened.

Ms. Lyell Franke of 168 Crescent Street stated that she is a friend of the Jordans and objected to the "suburbanization" of the Lilienthal property. She questioned why bushes were planted in a straight row which is unnatural and suggested that the fence be removed. Mr. Tomasi stated that although the plantings may look monochromatic, there are other smaller plantings in front of them that provide diversity.

Mr. Lilienthal noted that no permit was required for the fence, which is made of composite material. He stated that plantings were done only on his property. He said that the purpose of the fence is to protect the property from invasive vines and to provide a natural buffer. He stated that a lot of litter and trash are dumped on Tremont Street along his property. He noted that the fence is U-shaped, not a box.

Mr. Robert Spaulding of 255 Washington Street stated that he does not like fences.

Ms. Tris Nuland of 213 Powder Point Avenue asked Mr. Lilienthal if he could act as a good neighbor and remove the fence. Mr. Lilienthal responded, "Probably not."

Mr. Mustard suggested that the property owners meet with a sub-group to come to some agreement over how to replant the property. He asked what the town could do to make sure this type of situation never happens again.

Ms. Mary Ott of 196 Chestnut Street stated that it is most important that steps be taken so that this type of situation will never happen again.

Mr. Cutler asked about comments from the Development Review Team (DRT) meeting, and Mr. Broadrick reported that most department heads at the DRT questioned the rationale of the bylaw, and most questions were about the tree cutting regulations. DRT members did note that preserving habitat is good for the community and there may be many options to appease abutters.

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Mr. Jordan stated that he reviewed the consulting engineer's letter and there are a number of items required by Zoning Bylaws that need to be submitted. Mr. Wadsworth noted that it would be impossible for the applicants to submit a surveyed plan of pre-existing conditions because the work has already been done.

Mr. Cutler expressed frustration that the Planning Board had no authority until the special permit application was filed. He suggested that mitigation is needed.

Mr. Bear suggested that the applicants meet with the town's consulting engineer to discuss a plan. He noted that even with planting 120 spruce trees and others it does not look like it did before. He stated that the property needs to get to restoration.

Mr. Casagrande noted that since the work had already been done, it is a backwards process. He noted that lifting the Cease & Desist order was at the property owner's risk. He noted that fences do not require a permit and stated that he understood neighbors' concerns.

Mr. Mustard asked about potential consequences for Zoning Bylaw violations, and Mr. Wadsworth responded that a daily fine can accumulate at the discretion of the Zoning Enforcement Officer.

Mr. Glennon noted that there are two distinct issues: 1) community issues – Every public way in the town of Duxbury is a scenic road. What was previously a continuous vista has now been interrupted. The two ends in front of the fence need to be re-connected with vegetation. 2) neighborhood issue – Mr. Glennon stated that Mr. Mustard had brought up a good solution, for the property owners to meet with neighbors and come to a reasonable compromise to make a plan that is workable for both sides.

Mr. Glennon also agreed that it was a good idea to walk the site, noting that the public could join in, to see what the surrounding area looks like and to tie the area together on this very visible strip in the town. Mr. Glennon stated that, although he appreciates the applicant's work to date, more collaborative work is needed.

Mr. Wadsworth asked Mr. Lilienthal if he would agree to meet with the neighbors, and Mr. Lilienthal responded that at first blush, he would say no. He stated that he did not believe any positive outcome could result. He stated that he feels like a criminal although he hired a professional landscaper. He noted that he could not put back the dead trees. He stated that he could not see a happy ending by meeting with neighbors because different biases might complicate a reasonable solution.

Mr. Wadsworth asked Mr. Lilienthal if the Planning Board could visit the site, and Mr. Lilienthal replied that he would want to be present. Mr. Broadrick noted that the public is allowed to attend the site visit.

Mr. Jordan stated that he has no interest in designing the project. He stated that he is more interested in mitigation, specifically the firing of Mr. Lambiase. Mr. Jordan stated that it is unfortunate that he does not like the fence; however, he needs to respect whatever decision the Planning Board makes. He noted that Mr. Lilienthal appears unwilling to engage in dialogue.

Mr. Tomasi noted that the fence appears to be a major issue, but the property owner was within his right installing the fence. Mr. Bear responded that the tree clearing is the major issue before the Board.

Mr. Wadsworth arranged a site visit to the property on Saturday, September 15, 2012 at 1:00 PM, and requested a motion to continue the public hearing.

TOWN CLERK
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DUXBURY, MASS.

MOTION: Mr. Glennon made a motion, and Mr. Cutler provided a second, to continue the public hearing for a land clearing special permit for 16 Hounds Ditch Lane / Lilienthal with a site visit on Saturday, September 15, 2012 at 1:00 PM and a regularly scheduled Board meeting on September 24, 2012 at 7:05 PM at the Duxbury Senior Center regarding a special permit for land clearing at 16 Hounds Ditch Lane.

DISCUSSION: Mr. Broadrick asked if the consulting engineer should attend the site visit, and Mr. Wadsworth responded that she does not need to attend.

VOTE: The motion carried unanimously, 5-0.

Mr. Casey and Planning Board members signed a mutual extension form.

**ZBA REFERRAL, PLANNED DEVELOPMENT SPECIAL PERMIT AMENDMENT
VILLAGE AT DUXBURY, 290 KINGS TOWN WAY / VILLAGE AT DUXBURY
HOMEOWNERS COOPERATIVE CORPORATION**

Present for the discussion were the applicants' representatives: Atty. Michael Bliss of Lexington; Mr. Robert Tuffy, president of the homeowners co-op; Mr. Peter Glick of Symmes, Maini & McKee Associates in Providence, RI, the project's engineer; and Mr. Paul Casale, vice president of Welch Healthcare & Retirement Group. Also present was the town's consulting engineer, Mr. Patrick Brennan of Amory Engineers.

Mr. Bear disclosed that his mother-in-law currently resides in the Village at Duxbury. Mr. Wadsworth asked if there were any objections to Mr. Bear's participation in the discussion, and there were no objections.

Mr. Glennon noted that this application represents an amendment of an existing site plan that was approved years ago by the Zoning Board of Appeals (ZBA). Currently Administrative Site Plan Review (ASPR) is administered by the Planning Board. Mr. Glennon stated that for the type of disturbances proposed with this amendment, it appears that the threshold for ASPR has been met, concluding that the applicants may need to file for ASPR through the Planning Board as well as a special permit through the ZBA. Mr. Wadsworth agreed that it appeared to be a two-step process. Attorney Bliss noted that this application represents a minor amendment to a site plan review done years ago, and the Planning Board has been asked to do the technical review. Atty. Bliss agreed that Administrative Site Plan Review would be appropriate.

Mr. Tuffy gave a presentation on the project, noting that the applicants' intent is to respond to the changing needs of current and future residents of the Village at Duxbury. The original sales office building was constructed in order to conduct pre-sales of units prior to the project's construction. The building is currently staffed by Jordan Hospital medical professionals to serve residents at the Village, garden homes and skilled care facility on site.

Mr. Tuffy also noted that only 26 out of a total of 54 existing carports are being used. He stated that the residents' preference is for enclosed garage space, and residents feel that the carports are located too far from the residential building entrances. The applicants propose to remove the carports and in their place construct up to 37 new garage or carport spaces along with two garden homes to the rear of the main building. Mr. Tuffy stated that they do have permits to construct two garden homes near the entrance of the property, but they would like to relocate those to the back.

In order to meet the limited number of units (210) that can be available under the co-operative, they propose to remodel two one-bedroom apartments in the main building and create one larger two-bedroom unit. He noted that there appears to be greater demand for two-bedroom units.

Mr. Tuffy suggested that Mr. Glick, the applicants' engineer, could meet with Mr. Brennan, the town's consulting engineer, to review the project.

Mr. Wadsworth asked if there would be a net decrease in parking with this proposed project, and Mr. Tuffy stated that there would be a net decrease of 14 parking spaces. Mr. Tuffy noted that on the busiest day of the year, Mother's Day, there were 49 empty spaces at the Village. Mr. Wadsworth stated that he was there on Mother's Day six or seven years ago and there appeared to be overflow vehicles parked everywhere.

Mr. Wadsworth asked about the current vacancy rate at the Village, and Mr. Tuffy responded that there are 30 vacant units, but added that the vacancy rate does not necessarily reflect on the parking demand because many of these elderly residents do not own a car. The average is six vehicles for every 10 units.

Mr. Bear noted that the Village has become a venue for public events, and he has witnessed overflow parking on roadsides. He noted that a clear roadway is crucial for emergency vehicle access, and providing an overflow parking lot should be considered. Mr. Bear also noted that sometimes public may use spaces marked "Resident." Mr. Tuffy stated that a valet situation could be utilized.

Mr. Glennon asked about the parking space size, and Mr. Glick responded that the proposed parking space size is 9' x 18.5'. Mr. Glennon noted that changing the parking space size from what was originally required under the original permit may affect the parking space count.

Mr. Bear and Mr. Broadrick exited the meeting at this point.

Mr. Wadsworth asked if the property is located within the Aquifer Protection Overlay District, noting that with previous applications there were drainage issues that had an impact on neighbors. Mr. Tuffy stated that considerable changes were made at that time to divert water flow. Mr. Wadsworth stated that if impervious coverage is increasing the Board needs to make sure there is no impact on abutting properties.

Mr. Glennon noted that previous decisions took great care in providing a vegetated buffer to make sure that the buildings were not visible to adjacent uses. He noted that the current application includes a substantial amount of tree cutting, some of it near property lines. He suggested that the applicants make sure to screen the area properly so that there is no impact on abutting properties. Mr. Tuffy noted that there is a conservation easement that provides ample screening from neighbors. Mr. Glennon advised that the buffer should remain.

Mr. Casagrande asked if the medical office is open to the public as well, and Mr. Tuffy responded that it is. Mr. Glennon questioned why septic components for the medical office are located under the parking lot, and Mr. Brennan stated that it is allowed.

Mr. Glennon questioned the affordability of the proposed changes, noting that it is important for seniors to remain in town and that this was a justification for the original approval. The current application contains a disclaimer that the new units will be at market price with no funding assistance available. Mr. Tuffy stated that the units are not affordable in terms of the state's definition because there is a service component provided with the housing. Mr. Glennon asked if services are provided in the garden homes, and Mr. Tuffy responded that the exact same services are provided in the garden homes. Because they are a co-operative they must offer the same services to all residents.

Mr. Wadsworth asked if the majority of residents are from out of town, and Mr. Tuffy replied that residents and also parents of Duxbury residents are moving into the Village.

Mr. Wadsworth asked for Mr. Brennan's comments, and Mr. Brennan noted that at a Development Review Team (DRT) meeting, the major concern was preventing offsite drainage, particularly in the southwest corner of the property. Mr. Wadsworth noted that the discussion would continue at the next Board meeting.

ADJOURNMENT

The Planning Board meeting adjourned at 9:56 PM. The next Planning Board meeting will take place on Monday, September 10, 2012 at 7:00 PM at Duxbury Town Hall.

MATERIALS REVIEWED

PUBLIC HEARING FOR LAND CLEARING SPECIAL PERMIT, 16 HOUNDS DITCH LANE

- Public hearing notice stamped in with Town Clerk 08/06/12
- Land Clearing Special Permit application and plans submitted on 06/28/12
- GIS map, Assessor's Property Card, and Pictometry orthophoto
- Letter from S. Lambiase to S. Lilienthal & L. Sweere dated 03/05/12
- Letter from C. Phillips of Phillips Tree to S. Lambiase dated 03/19/12
- Letter from S. Lambiase to S. Lilienthal & L. Sweere dated 03/28/12
- Letter from G. & C. Jordan to PB dated 04/09/12
- Letter from G. Wadsworth to G.&C. Jordan dated 04/12/12
- PB minutes of 05/21/12
- Letter from M. Nelson & J. Estey of Horsley Witten to PB dated 08/16/12
- Ten pages of color photographs submitted at meeting by M. Casey
- Sixteen color photographs submitted at meeting by J. Estey
- Ten color photographs submitted at meeting by G. Jordan

ZBA REFERRAL, SPECIAL PERMIT AMENDMENT, VILLAGE AT DUXBURY

- Application binder with plans
- GIS map, Assessor's property card, and Pictometry orthophoto
- Original special permit issued 01/12/1989
- Letter from P. Brennan of Amory Engineers dated 08/15/12 re: consulting engineer review

TOWN CLERK
12 SEP 11 PM 12:39
DUXBURY, MASS.

SIGN IN SHEET

August 27, 2012

Public Hearing:
Special Permit for Land Clearing,
16 Hounds Ditch Lane / Lilienthal & Sweere

TOWN CLERK
12 SEP 11 PM 12:39
DUXBURY, MASS.

Please print your name and address for our records:

Name

Address:

Sara Booy

Cyfordan

Gregg Jorden

Mary C. Ott

JANE ESTRY

Walter Amory

Shirley Amory

Harold J. Vartanogian

Paige Riddle

Barbara VerKaart

1112 Tremont St DUXBURY

8 Hounds Ditch Ln "

8 Hounds Ditch - PO Box 243-A

196 Chestnut Street POB 1424

HORSLEY WITTEN GROUP INC
SARATOWKA, MA

46 Beaverbrook Lane

46 Beaverbrook Lane

2 Hound Ditch Lane

32 Hounds Ditch

15 HOUNDS DITCH LN

SIGN IN SHEET

August 27, 2012

Public Hearing:
Special Permit for Land Clearing,
16 Hounds Ditch Lane / Lilienthal & Sweere

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DUXBURY, MASS.

Please print your name and address for our records:

Name

Address:

Sam Miller Jr.
Christopher Phillips

Duxbury Clapper
41 Linden Lane

David Duff

8 Thrush Av Ply

Don Conte
Steve Lilienthal

745 Reford Rowood M.H.
16 Hounds Ditch Lane

M. CASE

SSC, INC.

Steve Jones

111 POND VIEW DR. KILPATON, MA

Luzel Franke

168 Crescent St.

KURT FRANK

168 Crescent St.

Shirley M. Jenkins

17 Fairway Lane

SIGN IN SHEET

August 27, 2012

Public Hearing:
Special Permit for Land Clearing,
16 Hounds Ditch Lane / Lilienthal & Sweere

Please print your name and address for our records:

Name

Address:

DAVID B. JENKINS

17 FAIRWAY LANE

Donna MacLeod

52 Hounds Ditch Ln.

Winnie Long

12 Hounds Ditch Ln.

Jeanne Clark

88 Seraphus St.

Robert Spalding

255 WASHINGTON ST.

Annika JENNIFER

62 WASHINGTON ST

Sylvia ROST

349 Powder Pt. Ave.

Cheryl Farhat

22 Hounds Ditch Lane

TRIS NALAND

213 Powder Pt. Ave

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DUXBURY, MASS