



Town of Duxbury Massachusetts Planning Board

Approved 10/22/12

TOWN CLERK
12 OCT 25 AM 8:47
DUXBURY, MASS.

Minutes 09/24/12

The Planning Board met at the Duxbury Senior Center, Ellison Room, 10 Mayflower Street, on Monday, September 24, 2012 at 7:00 PM.

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

Absent: Jennifer Turcotte.

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

Mr. Wadsworth called the meeting to order at 7:00 PM.

OPEN FORUM

Open Space Committee: Mr. Glennon reported that the Fall Foliage Fiesta will take place on Sunday, October 21, 2012 at 1:00 PM at the Crowell Bog.

40B Project Update: Mr. Broadrick reported that two 40B projects are now going forward for a total of 80 new units: Webster Point Village off Enterprise Street and Brewster Commons off Parks Street. A total of twenty units will be affordable and will count toward the Subsidized Housing Inventory.

Tree Clearing, 59 Beaverbrook Lane: Mr. Wadsworth reported that he met with the homeowner who had cleared a number of trees on her property; however, the amount cleared did not trigger the requirement for a special permit.

ADMINISTRATIVE SITE PLAN REVIEW: SOLAR ARRAY, 145 MAYFLOWER STREET / TOWN OF DUXBURY ALTERNATIVE ENERGY COMMITTEE

Present for the discussion were members of the Alternative Energy Committee and their representative, Mr. Thomas Melehan of American Capital Energy, Inc. of North Chelmsford. Mr. Cutler, Planning Board representative to the Alternative Energy Committee, was not present for the discussion. After Ms. Ladd Fiorini read the public meeting notice, Mr. Wadsworth invited Mr. Melehan to make a presentation.

Mr. Melehan noted that American Capital Energy (ACE) was awarded the project by the Town of Duxbury through a Request for Qualifications in 2011. He stated that the project will generate enough electricity to power the equivalent of 100 homes and will significantly reduce town electricity costs over time. He stated that the project had received a negative determination for a Notice of Intent with the Conservation Commission.

Mr. Melehan explained that the proposed system sits on the site of a capped landfill. It will rest on concrete blocks that range in height from two feet to six feet, and the panels will be surrounded by a chain link fence. A gate and road will be constructed for emergency vehicle access. A permit has been filed with the

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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.

Massachusetts Department of Environmental Protection (DEP). ACE has experience with solar projects in approximately twelve other towns with no significant comments from the DEP.

Mr. Melehan explained that wires will run through a conduit because the landfill cap cannot be penetrated. The wires will connect to a new power line at the police station which is currently under construction.

Mr. Melehan stated that some clearing will be required in order to provide full sunlight from the south. Erosion control measures have been designed in order to protect abutting wetlands. Once the clearing is done it is expected that new saplings will grow and will need to be trimmed down again after ten years or so.

Mr. Melehan stated that in order to minimize the impact on land loss to the Town of Duxbury Department of Public Works (DPW), further clearing is proposed to provide a staging area for tree debris storage in case of a major storm.

The project comes with a twenty-year lease, with an option for the town to purchase it after twenty years. A removal escrow fund is included in the lease. The project is well isolated from public view since it is located behind the town transfer station. There would be some disturbance to the viewshed from the new police station, although white pines will eventually fill in to provide a view buffer. The project also has the potential for an educational component that the applicants are working on, to allow students to monitor the system and measure its output.

Mr. Bear asked exactly how the panels would be anchored, and Mr. Melehan replied that they rest on large concrete blocks that are two feet wide by 18 inches deep and 5.5 feet long. There will be three to four rows of panels. The project complies with hurricane loading standards and uplift calculations have been stamped by a professional engineer.

Mr. Glennon asked about potential glare, and Mr. Melehan responded that there will be a small amount of glare although the solar panels are designed to not reflect light. The panels would be set at a twenty-degree angle facing south and there are no dwellings to the south. He stated that someone would need to be at a four-story height to be affected by the glare, so it is a non-existing issue.

Mr. Glennon asked about efforts to minimize tree clearing, and Mr. Melehan responded that they had spent a considerable amount of time siting the project to fit the space and minimize clearing, concluding that a 500 kilowatt (kW) system made the best sense.

Mr. Glennon asked about the elevation of the solar panels, and Mr. Melehan replied that the panels are approximately six-feet from grade, and a berm along Mayflower Street will mitigate the view of the solar panels. Mr. Glennon asked if the municipal staging area will be screened from the road, and Mr. Melehan replied that he had not discussed that with the DPW.

Mr. Glennon noted that the tree clearing is approximately 24,150 square feet, according to estimated calculations provided by staff. Mr. Broadrick noted that this was a rough calculation and the clearing could amount to less square footage.

Ms. Ladd Fiorini asked if a different area could be utilized for the municipal staging, and Mr. Broadrick responded that they had looked at the entire Town Transfer Station site and this was the site preferred by the DPW Director, Mr. Peter Buttkus.

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Mr. Bear noted that this project would open the view on one of the "least pretty" spots of land. Mr. Melehan responded that there is some screening there already, and more can be added as needed. Mr. Broadrick noted that the DPW requested the additional clearing, not the Alternative Energy Committee.

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Mr. Wadsworth asked if a tree clearing special permit application would be filed if it is determined that 30,000 square feet or more of clearing is proposed, and Mr. Broadrick noted that the applicant would be the town, adding that no clear-cutting is proposed for the installation of the solar panels; trees would be topped off but vegetation would remain. Mr. Melehan clarified that some trees up to 18-inches in diameter would be cut down to stumps, but understory is expected to come back, and growth of up to twenty feet would be allowable.

Mr. Glennon noted that it is the Planning Board's job to mitigate harmful effects of projects and to promote a harmonious relationship with abutting properties. He stated that although it is a laudable municipal project, his biggest issue is with the clear cutting along Mayflower Street. He suggested that the proposed plan should be modified to address this issue.

Mr. Melehan replied that it is not a problem to provide a screen to the view from Mayflower Street. He suggested that slats could be added to the existing fence or a berm could be added. He noted that a small berm already exists on the south side of the project area.

Mr. Wadsworth requested that Mr. Peter Buttkus be invited to attend the next Planning Board meeting in order to participate in the discussion. Mr. Bear asked if the Zoning Enforcement Officer, Mr. Scott Lambiasi, should be invited as well to discuss the tree clearing, and Mr. Melehan noted that Mr. Lambiasi already determined that a special permit is not required. Mr. Glennon stated that if 30,000 square feet or more of clearing is proposed, then a special permit should be filed.

Mr. Wadsworth opened the floor to public comments.

Mr. Earle Ricker of 293 Mayflower Street stated that he owns a cranberry bog and swamp that abut the proposed solar array. He noted that Mr. Broadrick and Mr. Cutler from the Planning Board took him for a site walk. He stated that it appears that considerable clearing is proposed for his land and town land also. In light of the large amount of clearing already done at the new police station, he would like to see if tree clearing can be minimized. He stated that if 50-60 feet of pine is proposed to be cleared, he would be against it.

Mr. Wadsworth asked if permission had been granted to allow the town to cut trees on private property, and Mr. Broadrick responded that an easement is being drafted.

Mr. Wadsworth asked about the number of trees proposed to be removed, and Mr. Melehan replied that a few trees would be removed near the telephone pole on the northwest corner of the site. Mr. Ricker suggested that the Board members do a site walk. He stated that the project would be viewable from Cranberry Hill abutting the police station.

Mr. James Goldenberg, chairman of the Alternative Energy Committee, noted that a lot of good concerns have been raised that they will address. He stated that buffering the view of the transfer station is a good idea, although he does not believe it would have a big impact. He stated that the Alternative Energy Committee supports this project because it would provide up to 500 kWh (kilowatt hours) of electricity per year, which would cover ten percent of the town's present usage, and will save the town approximately one-third on its electricity bill for a savings of about \$30,000 per year. He stated that the solar array is a good use for a capped landfill, and it provides an educational opportunity for students in the school system. Mr. Goldenberg stated that they are pushing up against the minimize size posted in the RFQ and the project needs to be a certain size to be economically feasible.

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Mr. Paul Costello of 91 Delorenzo Drive, chairman of the Open Space Committee, asked if the town would be able to sell the wood from trees that are cut down, and Mr. Melehan responded that he could work with the DPW to pursue that suggestion. Mr. Costello asked if the property owner could sell the wood from trees cut down on his property, and Mr. Melehan replied that it is not a significant number of trees and he had not thought of that suggestion.

Mr. Mark Casey of 25 Lincoln Street asked if the town would take the property needed for tree removal if the owner does not agree to the proposed easement, and Mr. Broadrick responded that it is not an issue. Mr. Broadrick noted that the applicants are attempting to respect all uses on the site. Mr. Ricker noted that the current plan is an improvement over the plan he has seen.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to continue the public meeting for Administrative Site Plan Review of the proposed solar array at 145 Mayflower Street / Town of Duxbury Alternative Energy Committee to October 22, 2012 at 7:05 PM.

AMENDMENT TO MOTION: Mr. Bear amended the motion to request that the DPW Director, Inspectional Services/Zoning Enforcement Officer, and Conservation Administrator be invited to attend the continued public meeting. Mr. Glennon and Ms. Ladd Fiorini agreed to the amendment.

VOTE ON MOTION AS AMENDED: The motion as amended carried unanimously, 5-0.

CONTINUED PUBLIC HEARING, SPECIAL PERMIT FOR LAND CLEARING AT 16 HOUNDS DITCH LANE / LILIENTHAL

Mr. Wadsworth opened the continued public hearing at 8:01 PM. Present for the discussion were the applicant, Mr. Stephen Lilienthal, and his representatives, Mr. Mark Casey of South Shore Survey in Kingston; Atty. Paul Driscoll; and Mr. Steven Tomasi of A.J. Tomasi Landscaping. Also present were Ms. Jane Estey and Ms. Hannah Carlson of Horsley Witten Group, town consulting engineers. Ms. Ladd Fiorini read the correspondence list into the public record:

- Mutual extension form signed at PB meeting 08/27/12 continuing public hearing to 09/24/12
- Ten 8.5" x 11" sheets of color photographs submitted by M. Casey at PB meeting 08/27/12
- Sixteen 8.5" x 11" color photographs submitted by J. Estey of Horsley Witten at PB meeting 08/27/12
- Ten 8.5" x 11" color photographs submitted by G. Jordan at PB meeting 08/27/12
- PB meeting minutes of 08/27/12 (approved on 09/10/12)
- Letter from P. Driscoll to G. Wadsworth dated 09/04/12 re: site visit (sent by mail and fax)
- PB Agenda for site visit and discussion on 09/15/12, stamped with Town Clerk 09/06/12
- Affidavit of Service signed by J. Turcotte on 09/10/12, stamped with Town Clerk 09/11/12
- Email from C. Jordan to PB dated 09/13/12 re: site visit
- Emails between T. Broadrick & J. Estey dated 08/27/12 – 09/13/12 re: consulting engineer services
- Letter from M. Casey dated 08/31/12 re: request for copies of documents (and email correspondences regarding same dated 09/05/12 – 09/14/12)
- Affidavit of Service signed by C. Ladd Fiorini on 09/15/12, stamped with Town Clerk on 09/17/12
- Letter from J. Estey & H. Carlson of Horsley Witten dated 09/19/12 re: consulting engineer review letter.

Mr. Wadsworth invited Ms. Estey to present the consulting engineers' report. Ms. Estey referenced her review letter dated September 19, 2012, reporting that she and Ms. Carlson, a registered landscape architect, had visited the site. Ms. Estey noted that since the photographs she had supplied at the last Planning Board meeting, additional rhododendrons have been planted, and the grass is looking more like a native meadow than a maintained lawn. She stated that they had walked the perimeter fence and got a good look at the woodlands surrounding the property.

Ms. Estey noted that there remains an open viewshed to the road from the property, and screening of the fence could be used to mitigate the view. She recommended that mulch or seeding could be installed along the perimeter of the fence for erosion and sediment control.

Ms. Estey noted that although the original existing vegetation is unknown, the vegetation of the surrounding woodlands provides a reference point. Recommendations include:

- Seeding or mulching along the outside of the fence for erosion and sediment control.
- Increased planting and buffer to the road using species that may have existed prior to the clearing in order to restore the pre-existing ecosystem
- Additional plantings to enhance the scenic views from the road, to improve seasonal interest, and also to screen the view from abutting properties
- Additional plantings outside the fence along the road to enhance screening and the scenic nature of the road
- Access holes for wildlife in the fence, 75 feet apart, eight inches in height, and ten inches wide
- A list of seed mix should be provided, and the meadow should be mowed once annually in the spring
- Native plants that pre-existed the clearing should be allowed to grow in the meadow.

Mr. Wadsworth asked for Planning Board comments.

Ms. Ladd Fiorini asked if the entire length of fence is of concern, and Ms. Carlson responded that the fence along the northern edge of the property is of particular concern.

Mr. Bear asked for a list of common names for vegetation found in the surrounding area, and Ms. Carlson responded that a list could include white pine, oak, red maple, along with other "less desirous" maples. She noted that black locusts on the property may be making a comeback already. Mr. Tomasi added that Norway spruce should be added to the list, and Ms. Carlson agreed that one large pre-existing Norway spruce is located on the north side of the property.

Mr. Glennon asked which plantings would address concerns for wildlife fragmentation caused by the land clearing, and Ms. Carlson replied that the applicants are proposing three red maples and fifteen white pines to be added. She noted that holly was also proposed; however, she is not sure it pre-existed in the woodlands. She stated that the holly would help mitigate the fragmentation. Mr. Tomasi added that the meadow will provide a habitat for small wildlife like frogs and salamanders.

Mr. Glennon asked what vegetation is proposed to tie in the two ends of the property along the road where the fence has been installed. Ms. Carlson replied that the proposed winterberry shrubs will help the scenic viewshed although they will not screen the fence. She noted that there is not a good amount of planting space between the fence and the road layout, and power lines could also be a hindrance to tree planting. She recommended additional diversity in plantings along this area outside the fence.

Ms. Ladd Fiorini asked about the proposed holes to be added to the fence in order to reduce wildlife fragmentation, and Ms. Carlson responded that another project had utilized a similar idea of adding holes, noting that it would be good for wildlife, although the fence would still be a barrier for deer and other larger animals. She recommended the holes be placed every 75 to 100 feet apart.

Mr. Wadsworth asked if the Norway spruces planted on the inside of the fence along the roadway are planted too closely together, and Ms. Carlson responded that they will eventually grow into one another. Mr. Wadsworth asked if the spacing might inhibit height, and Ms. Carlson replied that it might, suggesting that they may need to be thinned out once they get to 30-35 feet in height so that they can grow in a more natural way.

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Ms. Ladd Fiorini asked why trees are proposed to be added along the roadway but not along the abutting property line, and Mr. Tomasi responded that the roadway represents the largest depth of clearing.

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Mr. Wadsworth invited public comment.

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Ms. Karen Falvey of 2 Hounds Ditch Lane stated that she has seen five deer in the past two weeks. She stated that the deer are not gone or lost.

Ms. Estey noted that the applicant had brought revised plans that the consultants had not yet seen. Mr. Casey stated that the plans are a result of a site visit today with Ms. Carlson of Horsley Witten. Mr. Wadsworth noted that the Planning Board had not yet seen the plans either, nor had the public had an opportunity to view them. Atty. Driscoll stated that the applicants are attempting to move forward responsibly.

Mr. Wadsworth asked if more trees could be added to the plan in order to buffer the abutters view of the roadway, and Ms. Carlson agreed that more trees would enhance the buffer. Mr. Wadsworth asked if trees planted along the neighbor's side of the yard would compete with the meadow, and Ms. Carlson replied that it would not.

Mr. Glennon asked if the applicants are considering planting evergreens along the street, and Ms. Carlson responded that the applicants intend to plant deciduous winterberry and holly. Mr. Glennon noted that that type of vegetation wouldn't stand out and would be inconsistent with plantings along either end of the property along Tremont Street.

Mr. Cutler arrived at the meeting at this point.

Mr. Casey offered to explain the plans they were submitting at tonight's meeting to show how they have responded to Horsley Witten's latest review letter.

Mr. Bear departed the meeting.

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.

DISCUSSION: Mr. Broadrick noted that a special permit requires a "supermajority" of five members (quorum plus one) for any decision. Board members are allowed to miss one meeting according to the Mullen Rule. Mr. Broadrick noted that Ms. Turcotte has now missed two hearings so is not allowed to participate in a vote on the special permit. Mr. Bear will be missing a portion of this public hearing and is expected to be away for the next public hearing date, so he most likely will be unable to participate in a vote. Mr. Broadrick noted that it is incumbent on the five members present right now to vote on the special permit.

Atty. Driscoll suggested that the public hearing could go forward without discussing the new plan. He stated that the applicants want to know which issues the Board would like to see addressed. Mr. Wadsworth suggested that the motion be withdrawn.

MOTION WITHDRAWN: Mr. Glennon withdrew his motion, and Mr. Cutler withdrew his second.

Therefore the motion was withdrawn and the public hearing continued.

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Ms. Lorrie Hall of 175 Abrams Hill asked if the special permit requires mitigation or if it is up to the applicant to decide what restoration occurs, and Mr. Wadsworth stated that the plan that the applicants tried to present tonight is their response to comments from the consulting engineers.

Mr. Paul Costello of 91 Delorenzo Drive asked if the applicant is proposing to replace cleared trees with the plan, and Mr. Wadsworth responded that typically the Board would see a plan prior to clearing, but in this case it is impossible to know what was there before. Mr. Costello asked if mitigation is paid for by the owner, and Mr. Wadsworth responded that a cease and desist order was issued by the Zoning Enforcement Officer when the clearing was reported and it was later lifted with the property owner working at his own risk and filing. The owner had stabilized the area and filed with the Planning Board.

Mr. Wadsworth asked about the area outside the fence along Tremont Street, and Mr. Tomasi replied that from the pavement to the fence is a state right-of-way. Ms. Falvey asked if the state is responsible for that portion, and Mr. Wadsworth replied that clearly the fence is located on the property, and up to three feet outside the fence may still be the homeowner's property. Ms. Falvey asked if salt spray would kill any plantings, and Mr. Tomasi replied that the plantings will be far enough away that they will not be affected by salt spraying during winter storms.

Ms. Ladd Fiorini stated that the access holes are a good idea. She also recommended that some additional plantings may be required on the abutter's side of the applicant's property, noting that the abutters are deeply affected by the clearing. Mr. Glennon added that if the applicant had filed for a special permit prior to the land clearing, the Board would have likely specified to keep the buffer from the neighbor's property.

Mr. Glennon asked about the applicant's response to the fence holes, and Atty. Driscoll responded that the fence is not under the Board's jurisdiction. He stated that in reading the Land Clearing bylaw, both terms "wildlife" and "habitat" are not defined. He stated that the intent of the review standards appears to be protecting rare and endangered species. He stated that squirrels, raccoons and skunks are not "rare and endangered" species. He noted that this property is not a Natural Heritage site.

Mr. Wadsworth stated that the Zoning Bylaw references both wildlife and rare and endangered species. He noted that while he is not aware of endangered species near the property, wildlife certainly exists. Mr. Wadsworth recommended the planting of two red maples and two oaks as a buffer between the Jordan and the Lilienthal properties. He also recommended openings on the fence with the distribution and size delineated on plans.

Mr. Casagrande stated that he is not sure he agrees on the fence recommendation because he does not see how the holes would help. He noted that this is not the only fence on Tremont Street. He also noted that the abutter's property has no trees to provide a buffer between properties either.

Mr. Tomasi stated that he is concerned that the holes might compromise the integrity of the fence structurally. Mr. Glennon noted that the consulting engineers have recommended the holes as experts, and he would like to see the applicant to be in agreement with the consultant's recommendations. He recommended continuing the discussion. Mr. Cutler stated that adding trees is the most important issue to him.

Mr. Broadrick noted that if an easement on Tremont Street is still in effect it should be shown on the plan. Mr. Casey noted it is an access easement for the abutters.

Ms. Carlson asked if the Board would prefer evergreen screening from the road to the fence, and Mr. Glennon responded that tying the vegetation on both ends of the property along Tremont Street is the main concern. Ms. Carlson stated that this could be achieved by planting a variety of vegetation. Mr. Wadsworth directed the

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consulting engineer to work with the applicant's landscape architect to revise plans to submit prior to the next public hearing.

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MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to continue the, public hearing for a land clearing special permit at 16 Hounds Ditch Lane / Lilienthal, to October 22, 2012 at 7:10 PM, with revised plans due by October 15, 2012.

VOTE: The motion carried unanimously, 5-0.

ADMINISTRATIVE SITE PLAN REVIEW: VILLAGE AT DUXBURY, 290 & 338 KINGS TOWN WAY / VILLAGE AT DUXBURY HOMEOWNERS COOPERATIVE

Mr. Wadsworth opened the public meeting for this project at 9:24 PM. Ms. Ladd Fiorini read the public meeting notice. Mr. Wadsworth noted that tonight the Board would be reviewing both the Administrative Site Plan Review (ASPR) and a referral request from the Zoning Board of Appeals for technical review for a special permit amendment for the same project. 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.

Atty. Bliss noted that the applicants filed for ASPR as a result of comments at the previous Board meeting. He stated that plans had been modified to address issues raised by the Board and its consulting engineer, with only two minor items remaining. He distributed a letter from Mr. Glick, the applicant's engineer, that explains how the applicants have addressed concerns raised to date.

Mr. Glick explained the revised plans in detail. He noted that the drainage calculations and design have been changed, with drywells removed and runoff from new carriage homes to be routed to a subsurface infiltration system with a water quality unit.

Mr. Glick showed on plans that travel aisles have been changed from 22 feet wide to 24 feet wide. Resident and visitor parking spaces are 9.5' x 19' as required by Zoning Bylaws, and staff parking is located to the rear of the property with spaces that are 9.5 x 18.' He showed approximately six areas where handicap parking will be located.

Mr. Glick noted that overflow parking is rarely needed and is more of a parking management issue than a capacity issue. He stated that Village at Duxbury management will appoint a staff member to direct parking for well-attended events. He also noted that the applicants have set aside an unpaved area that could accommodate an additional twenty parking spaces that would more than make up for the fourteen parking spaces lost from the original proposal. Mr. Broadrick asked if this reserve parking area would be cleared, and Mr. Glick responded that it would not be cleared at this time.

Mr. Glick stated that the proposed garden homes have been relocated to increase the setback from 18.5 to 19 feet, and a proposed deck has been moved from the back to the side of the structure. He noted that evergreen screening is to be added in order to improve the buffer to abutting properties. Mr. Glennon stated that he appreciated the applicant's addressing the buffer concerns, noting that it would significantly improve buffers on the southwest corner of the property.

Mr. Wadsworth invited public comment.

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Mr. Michael Curley of 377 Autumn Avenue asked for clarification of where the buffer would be added, and Mr. Glick showed him on the plan.

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Mr. Lawrence King of 376 Autumn Avenue noted that the area has high groundwater issues, and asked what effect the proposed reserve parking area would have on groundwater levels. Mr. Glick responded that a net decrease in parking is proposed and there would be a resulting reduction in the volume peak flow.

Mr. Brennan explained that some existing treeline will be partially cleared in order for the parking area to be bumped out by 15 to 20 feet. Runoff will be captured and will flow into a runoff basin. The net effect will be approximately the same amount of runoff. The basin will be reconfigured and new roofs will be recharged on site.

Mr. Brennan noted that two issues remain:

1. Soil and groundwater testing is still needed in order to confirm assumptions submitted.
2. An Operations & Maintenance Plan needs to be submitted for the drainage basin. The detention basin is currently overgrown and there should be a plan in place to bring it back to its original design.

Mr. Wadsworth asked if the basin is located in the Aquifer Protection Overlay District, and Mr. Brennan confirmed that it is.

Mr. Glennon noted that plans may need to be modified based on soil testing results.

Mr. King asked if the proposed plans would affect water pressure in the area, and Mr. Wadsworth replied that it would not.

Board members discussed whether to continue the public meeting contingent upon addressing the two remaining items, and decided to submit a recommendation to the Zoning Board of Appeals that the technical review for their special permit would be incorporated into the ASPR decision to be finalized at the next Board meeting.

MOTION: Mr. Cutler made a motion, and Mr. Glennon provided a second, to recommend approval of an Administrative Site Plan Review decision for modifications proposed at the Village at Duxbury, 290 and 338 Kings Town Way / Village at Duxbury Homeowners Cooperative, subject to conditions to be finalized at a Board meeting on October 22, 2012 at 7:15 PM, with this recommendation to be conveyed to the Zoning Board of Appeals for its special permit review for the same project.

VOTE: The motion carried unanimously, 5-0.

CONTINUED PUBLIC HEARING, SPECIAL PERMIT FOR RESIDENTIAL CONSERVATION CLUSTER: FISHER RIDGE, OFF SUMMER STREET / KOPLOVSKY

Mr. Wadsworth opened the continued public hearing at 10:15 PM. Ms. Ladd Fiorini read the correspondence list into the public record:

- Extension form signed at PB meeting 09/10/12 continuing public hearing to 09/24/12
- Emails between D. Grant & P. Brennan of Amory Engineers dated 09/19/12
- List of waivers and revised plans submitted by Webby Engineering on 09/19/12
- Email from T. Kelso dated 09/24/12 re: Town Historian recommendation for street name
- Draft special permit dated 09/25/12.

Present for the discussion were the applicant's representative, Mr. Stephen Katowski of Webby Engineers in Plympton, and the town consulting engineer, Mr. Patrick Brennan of Amory Engineers.

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Mr. Wadsworth recalled that the applicants were going to confirm with the Water Superintendent, Mr. Peter Mackin, what type of water pipe is recommended, and Mr. Katowski confirmed that plans have been revised to show ductile iron because it will tie into a new fire hydrant. Mr. Katowski reviewed other changes to plans based on comments from the Board and consulting engineer at the previous Board meeting.

Board members reviewed a draft decision and made suggested amendments.

Mr. Broadrick noted that the Town Historian, Mr. Tony Kelso, had submitted a recommendation to name the road, "Fisher Ridge Circle" and Board members agreed with the proposed name.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, to approve six waivers for the Fisher Ridge Residential Conservation Cluster located off Summer Street / Koplovsky as submitted in a letter dated September 18, 2012 from Stephen J. Kotowski of Webby Engineers on behalf of the applicant.

VOTE: The motion carried unanimously, 5-0.

MOTION: Mr. Cutler made a motion, and Mr. Glennon provided a second, to close the public hearing for the Fisher Ridge Residential Conservation Cluster special permit.

VOTE: The motion carried unanimously, 5-0.

Therefore, the public hearing was closed.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, to approve a special permit for the Fisher Ridge Residential Conservation Cluster located off Summer Street / Koplovsky with a decision as amended and plans entitled, "Definitive Subdivision of 'Fisher Ridge' in Duxbury, Massachusetts," dated August 6, 2012, latest revision date September 18, 2012, stamped and signed by John C. Veracka, RPE and Joseph E. Webby, Jr., RLS on September 18, 2012, scale as shown, five sheets.

VOTE: The motion carried unanimously, 5-0.

DISCUSSION OF COMMUNITY PRESERVATION ACT DUXBURY BALLOT QUESTIONS

Mr. Wadsworth stated that he was sorry Mr. Bear was not present because Mr. Bear had requested the agenda item. Mr. Wadsworth noted that the upcoming votes regarding the Community Preservation Act (CPA) are important, and Mr. Bear, Board representative and chairman of the Community Preservation Committee, is looking for support. Ballot question 4 would approve a \$100,000 exemption for residents' CPA surcharge, and ballot question 5, a citizen petition that would lower the CPA surcharge.

MOTION: Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, that the Planning Board recommend approval of Duxbury ballot question 4 in favor of a proposed \$100,000 exemption to the CPA surcharge.

VOTE: The motion carried unanimously, 5-0.

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MOTION: Mr. Cutler made a motion, and Ms. Ladd Fiorini provided a second, that the Planning Board recommend disapproval of Duxbury ballot question 5 to lower the CPA surcharge from three percent to one percent.

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VOTE: The motion carried 3-0-2, with Mr. Casagrande and Mr. Glennon abstaining.

OTHER BUSINESS

Fire Station Headquarters: Mr. Broadrick reported that Mr. Glennon had asked him to review the Administrative Site Plan Review (ASPR) approved plans to confirm that two separate parking areas on Mayflower Street had been provided on approved plans. The project has been recently completed with the two parking areas combined into one large parking area. The approved plans were dated December 22, 2010.

Crematory: Mr. Glennon stated that he would also like to see an issue with the crematory addressed. During the ASPR process the Fire Department had requested an emergency access road but when the project was completed no road was constructed.

MOTION: Mr. Glennon made a motion that the Planning Director report to the Town Manager that two municipal projects, the Fire Station Headquarters and the Crematory, have not been constructed in compliance with provisions of an Administrative Site Plan Review decisions with the Planning Board.

MOTION FAILED: A second was not provided so the motion failed.

Mr. Casagrande asked if a potential remedy would include revised plans or a letter submitted by the applicants. Mr. Broadrick offered to work with the applicants to submit a letter to the Board.

Zoning Enforcement: Mr. Wadsworth reported that he recently met with Mr. Scott Lambiase, Director of Inspectional Services, regarding a number of enforcement issues.

ADJOURNMENT

The Planning Board meeting adjourned at 10:58 PM. The next Planning Board meeting will take place on Monday, October 22, 2012 at 7:00 PM at the Duxbury Senior Center.

MATERIALS REVIEWED

ASPR, SOLAR ARRAY AT CAPPED LANDFILL OFF MAYFLOWER STREET

- ASPR application stamped with Town Clerk on 09/18/12
- Public meeting notice
- GIS map, Pictometry orthophoto, and Assessor's property card
- Information packet supplied by American Capital Energy
- Limit of clearing map provided by staff

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

- Letter from H. Carlson of Horsley Witten dated 09/19/12

ASPR: VILLAGE AT DUXBURY, 290 & 338 KINGS TOWN WAY

- ASPR application stamped with Town Clerk on 09/13/12
- Public meeting notice
- Draft decision dated 09/25/12

PLANNING BOARD MINUTES

Date: September 24, 2012

Page 12 of 12

Approved 10/22/12

TOWN CLERK

12 OCT 25 AM 8:48

DUXBURY, MASS.

ZBA REFERRAL: VILLAGE AT DUXBURY, 290 & 338 KINGS TOWN WAY

- Minutes of 08/27/12
- Emails between M. Bliss & T. Broadrick dated 09/05/12
- Emails between P. Brennan & D. Grant dated 09/19/12
- Letter from P. Brennan of Amory Engineers dated 09/24/12
- Letter from P. Glick of SMMA dated 09/24/12

CONTINUED PUBLIC HEARING, SPECIAL PERMIT FOR RCC: FISHER RIDGE

- Revised list of waivers and plans submitted 09/19/12
- Email dated 09/19/12 and letter from P. Brennan of Amory Engineers dated 08/31/12
- Draft special permit decision dated 09/25/12

DISCUSSION OF COMMUNITY PRESERVATION ACT DUXBURY BALLOT QUESTIONS

- Memo from A. Krieger to R. MacDonald dated 08/17/12
- "Duxbury's Community Preservation Act" summary submitted by J. Bear

OTHER BUSINESS

- Zoning Bylaw Review Committee draft report dated 09/17/12
- EPA workshop on "Paying for Municipal Stormwater Programs" 10/18/12 in NH
- CPTC Fall Workshop flier

SIGN IN SHEET

September 24, 2012

Continued Public Hearings:

Special Permit for Land Clearing,
16 Hounds Ditch Lane / Lilienthal

Special Permit for Residential Conservation Cluster,
Fisher Ridge Subdivision, off Summer Street / Koplovsky

TOWN CLERK
12 OCT 25 AM 8:48
DUXBURY, MASS.

Please print your name and address for our records:

Name

Address:

Paul F. Costello

91 DeLorenzo Drive

Louise Dan Hall

175 Abrams Hill

Karen Galvey-Vantongoli

2 HOUND'S Ditch Lane

PETER GUCK

SMMA

Pat Brennan

Amory Eng. 25 Depot St.