

Approved 10/27/2014



Town of Duxbury Massachusetts Planning Board

TOWN CLERK
14 OCT 28 AM 9:59
DUXBURY, MASS.

Minutes 09/22/14

The Planning Board met on Monday, September 22, 2014 at 7:00 PM at the Duxbury Town Hall, 878 Tremont Street, Small Conference Room.

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

Absent: John Bear, Jennifer Turcotte, and David Utti.

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

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

OPEN FORUM

Community Preservation Committee: Ms. Ladd Fiorini reported that the deadline for submitting applications to the CPC is October 15, 2014.

Open Space Committee: Mr. Glennon reported that the Open Space Committee recently held its first meeting of the fiscal year. The committee is working on a potential tree preservation bylaw that they will be asking the Planning Board to review within the next two months.

ZBA Hearing, Summerhouse Lane: Mr. Wadsworth reported that the continued public hearing for the Summerhouse Lane application to the Zoning Board of Appeals is scheduled for this Thursday, September 25, 2014 at 7:30 PM. Mr. Wadsworth stated that he intends to attend this public hearing.

Citizen Planner Training Conference (CPTC): Board members reviewed the conference schedule and Mr. Wadsworth encouraged board members to attend.

CONTINUED PUBLIC HEARING, DEFINITIVE SUBDIVISION: 0 TREMONT STREET / NASS & ALFIERI

Mr. Wadsworth opened the continued public hearing for this two-lot Definitive Subdivision at 7:05 PM. Present to represent the application were Atty. Lee Alfieri (co-applicant) and Mr. Daniel Orwig of Orwig Associates. Also present was the town's consulting engineer, Mr. Patrick Brennan. Ms. Ladd Fiorini read the public hearing notice for this re-advertised hearing along with the correspondence list into the record:

- PB minutes of 07/14/14
- Email from T. Broadrick to T. Tucker dated 07/28/14 re: public records request
- Emails between D. Grant and G. Wadsworth dated 07/16/14 – 08/05/14 re: Mullins Rule
- Affidavit of Service signed by G. Wadsworth on 08/05/14 and stamped in with Town Clerk on 08/06/14
- Email from T. Broadrick to L. Alfieri & D. Orwig dated 08/25/14 re: Definitive Subdivision act-on date

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5476; Fax: 781-934-1137

- Public hearing notice posted with Town Clerk and mailed to abutters on 09/02/14, and published in the *Duxbury Clipper* on 09/03/14 and 09/10/14
- Emails between T. Hale and T. Broadrick dated 09/09/14 – 09/10/14 re: Subdivision progress
- Emails between T. Broadrick and L. Alfieri dated 09/16/14 re: Extension form.

Mr. Wadsworth reported that at the initial public hearing on July 14, the applicant had requested the public hearing to be continued in order to revise plans that would meet zoning requirements for lot size. Also there had been a question regarding whether all abutters were notified, so the applicants were asked to submit a certified abutters list.

Mr. Wadsworth asked the applicants to present any update. Mr. Orwig stated that he has revised plans but has one more item outstanding due to changing the location of the retention pond: revised drainage calculations. He requested that the public hearing be continued to October 27, 2014 to allow time for him to finish the plan revisions. Mr. Broadrick noted that the Planning Board act-on date is October 9, 2014.

Ms. Cathy Stein of 879 Tremont Street stated that she will be out of the country on October 27, and requested that the Planning Board consider extending the continued public hearing to a later date.

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to continue the public hearing for Littleton Way Definitive Subdivision / Alfieri & Nass at the applicant's request to Monday, November 10, 2014 at 7:05 PM, with plans due by November 3, 2014, with a decision date extended to December 31, 2014.

VOTE: The motion carried unanimously, 4-0.

Mr. Alfieri and the Planning Board members signed a mutual extension form.

INITIAL PUBLIC HEARING, DEFINITIVE SUBDIVISION: 200 FRANKLIN STREET / BARTLETT

Present for the discussion regarding this two-lot Definitive Subdivision off Franklin Street were the applicants, Mr. Richard Bartlett and Ms. Diane Bartlett; their daughter Stacey; and their representative, Mr. Paul Brogna of Seacoast Engineering. Also present was the town consulting engineer, Mr. Patrick Brennan of Amory Engineers.

Mr. Wadsworth disclosed that he serves on a town committee with one of the applicants, Ms. Diane Bartlett, and asked Mr. Glennon to serve as chair *pro tem* for this public hearing. Mr. Wadsworth asked if anyone had an issue with him participating in the public hearing discussion, and Ms. Bartlett replied that she had no issue. Mr. Glennon opened the public hearing at 7:22 PM. Ms. Ladd Fiorini read the public hearing notice and correspondence list into the record:

- Application, plans and materials submitted 08/07/14
- Cover letter from D. Grant to P. Brennan dated 08/08/14 re: application transmittal
- Emails between D. Grant and T. Kelso dated 08/15/14 – 09/11/14 re: Town Historian approval of street name
- Emails between D. Bartlett and D. Grant dated 08/15/14 re: Planning Board schedule
- Letter from P. Brennan dated 08/26/14 re: Initial consulting engineer review
- Memo from D. Brandon dated 08/27/14 re: Board of Health no issues
- Public hearing notice stamped with Town Clerk and mailed to abutters within 50 feet on 09/02/14, and published in the *Duxbury Clipper* on 09/03/14 and 09/10/14
- Emails between D. Grant, P. Brogna and T. Broadrick dated 09/09/14 – 09/10/14 re: consulting engineer letter, DRT, and waiver list
- Emails between C. West and T. Broadrick dated 09/11/14 re: Fire Department no issues
- Email from D. Bartlett to T. Broadrick dated 09/12/14 re: Roadway maintenance agreement
- Emails between T. Broadrick and P. Brogna dated 09/16/14 re: List of waivers

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- Email from D. Bartlett to T. Broadrick dated 09/17/14 re: Private Road Maintenance Agreement
- Letter from P. Brogna dated 09/16/14 and submitted to the Planning Office on 09/17/14 re: Completed list of waivers
- Emails between D. Bartlett and D. Grant dated 09/18/14 re: Declaration of Covenants.

Mr. Glennon asked Mr. Brogna to present the proposed plan. Mr. Brogna explained that the existing eight-acre lot was created from a ten-acre lot owned by the Bartlett family since at least 1910. The lot lies between Temple Street and Lincoln Street and it is zoned Residential Compatibility District and a portion on the northeast corner is zoned Planned Development 1. Mr. and Mrs. Bartlett propose to carve out an additional building lot on the southwest side of the lot to construct a dwelling for their daughter. Because the lot lacked frontage they had to submit a Definitive Subdivision plan.

Mr. Brogna said that although surrounding properties have town water, there is no water main servicing this lot. The Bartletts installed a water well approximately 35 years ago. Mr. Brogna said that perc tests were performed last fall. He noted that the front portion of the lot did not pass a perc test 35 years ago. There is two to 2 ½ feet of depth to groundwater on the property. Mr. Wadsworth asked how close the property is to town water, and Mr. Brogna replied that it is approximately 300-500 feet at the corner of Franklin Street and Temple Street.

Mr. Brogna said that the Bartletts conduct a haying operation on the front portion of their lot, and their dwelling is located to the rear of the lot on the northeast corner. An existing ten-foot wide road with two turnarounds runs approximately 620 feet to serve the existing dwelling. This existing road will serve as the access for the new lot as well, with a small extension and rain garden proposed to serve the new dwelling. Mr. Brogna stated that because there is minimal road construction, no drainage calculations have been provided. However, Mr. Brogna noted that the consulting engineer, Mr. Brennan, has done some calculations and is satisfied with the proposed road and rain garden. He noted that the extension has been designed to the lay of the land to pick up higher elements. Mr. Bartlett added that there is never standing water on the existing road which currently serves as their driveway.

Mr. Brogna stated that there is an adequate sight line to the east and west from the private road.

Mr. Brogna stated that the applicants are requesting a total of seven waivers from Subdivision Rules & Regulations dated 2005, referencing his letter dated September 16, 2014 (distributed to Board members at the meeting). The new dwelling, road extension, and rain garden can be constructed without removing any trees.

Mr. Brogna reviewed the seven waivers:

1. Location of abutting structures
2. Water distribution system
3. Stormwater drainage
4. Roadway plan, profile and cross section
5. Roadway width
6. Landscaping plan
7. Environmental impact plan.

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Mr. Brogna noted that a covenant will be prepared and a draft private road maintenance agreement has been submitted.

Mr. Glennon opened the floor to public comments.

Mr. Robert Bertino of 10 Union Hall Road asked a question regarding the number of lots proposed.

Mr. Glennon asked for Planning Board comments. Ms. Ladd Fiorini noted a discrepancy on the plans regarding the location of test pit #1. Mr. Brogna stated that he would check his field notes and revise plans to correct the error.

Mr. Casagrande asked Mr. Brennan if he is satisfied that the rainwater runoff is adequate, and Mr. Brennan replied that it appears to be all graded to run into the rain garden.

Mr. Wadsworth asked about the paved road width, noting the Subdivision Rules & Regulations require 14-foot width. Mr. Broadrick responded that the 10-foot driveway has worked well for the existing dwelling for years. He said that it is not a short driveway and any driver can see an oncoming vehicle approaching. He added that Deputy Fire Chief West has stated that he has no issues with the proposed driveway. Mr. Casagrande noted that it might be more of an issue if it was a winding, tree-lined road.

Mr. Glennon asked about a right-of-way shown on the proposed plan, and Mr. Brogna replied that it is an old easement granted to a cranberry farmer for access to a bog. Mr. Glennon asked if there is any anticipated use of the Bartlett's road, and Mr. Bartlett responded that they have added logs so that no vehicle can go beyond the easement, and have posted 'no trespassing' signs on the easement roads. A member of the public stated that the bogs are not currently in use.

Mr. Broadrick noted that the owner at 527 Temple Street, had come to the Planning Office asking questions regarding the easement, and he had told her that only people with deeded rights can use the easement road. He stated that the resident had wanted information regarding the location of the proposed dwelling.

Mr. Glennon asked Mr. Brennan of Amory Engineers to provide his comments. Mr. Brennan said that there is not a lot to comment on. The lot is oversized and if there were further subdivision proposed at a later time then the road might need to be widened. Mr. Brennan noted that there were no drainage calculations provided, so he ran his own and has concluded that the new road and rain garden appear to be sufficient for the proposed use. He used conservative drainage rates and it appears that the site could handle a 100-year storm. Mr. Bertino noted that dwellings in that neighborhood do need to pump their basements nearly every spring.

Mr. Wadsworth asked about concrete bounds, and recommended that bounds be added at the circle, the corner of the two property lines, and where the new property line meets the adjacent property. Mr. Brogna agreed to install those three bounds.

Mr. Glennon asked if there was any further public comment, and there was none.

Mr. Glennon said that he would like to visit the property in order to confirm the sight distances, and invite other board members to drive by the site as well.

Mr. Broadrick said that the Town Historian, Mr. Tony Kelso, has agreed to the road name of "Gudrun Way". Ms. Diane Bartlett said that it is her husband's mother's maiden name.

Mr. Brogna asked if it was possible to obtain a building permit prior to subdivision approval, and Mr. Broadrick said that the lot needs to be released prior to issuance of a building permit and the Planning Board has not even approved the Definitive Subdivision yet. He noted that there are many things to be done prior to lot release.

Mr. Wadsworth asked if the new dwelling will be located as shown on the plans, and Mr. Brogna replied that it will be within a few feet of where it is depicted.

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MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to continue the public hearing for the Gudrun Way Definitive Subdivision / Bartlett, to October 27, 2014 at 7:05 PM, with revised plans due by October 20, 2014.

VOTE: The motion carried unanimously, 4-0.

ZBA REFERRAL, COMPREHENSIVE PERMIT AMENDMENT: WEBSTER POINT VILLAGE, 0 TREMONT STREET / WEBSTER POINT VILLAGE LLC

Mr. Broadrick explained that this comprehensive permit was remanded back to the Zoning Board of Appeals (ZBA) in 2006 and settled in September 2012. The applicant is now requesting to modify the permit in accordance with the settlement agreement, including a revised subdivision plan, waivers, and transfer of permit to the current owners. Mr. Broadrick said that the permit really has nothing to do with the Planning Board because it has already been vetted between the applicant, the ZBA and the Housing Appeals Court, so it may not be worth the Planning Board's time to review the referral.

Mr. Glennon noted that several items referenced in the cover letter are not included in the packet: Remand decision, settlement agreement, and proposed subdivision plan. He stated that it is impossible for the Planning Board to provide an opinion without those documents. He stated that the redlined document included in the referral materials should be reviewed by Town Counsel to make sure that it is consistent with the documents listed above. He said that it is a legal issue, not a Planning Board issue.

MOTION: Mr. Glennon made a motion, and Ms. Ladd Fiorini provided a second, that given the complex history of the Webster Point Village comprehensive permit, it appears that the Planning Board does not have the documents needed to review the current ZBA Webster Point Village comprehensive permit amendment #2014-0025, 0 Tremont Street / Webster Point Village LLC, and therefore is unable to offer substantial comments to the redlined documents submitted for review.

DISCUSSION: Mr. Wadsworth noted that there appear to be substantive changes proposed and suggested that the ZBA hold a public hearing rather than an administrative hearing for review of the proposed comprehensive permit amendment. Mr. Casagrande noted that there appears to be no justification for many of the proposed changes.

AMENDED MOTION: Mr. Glennon amended his motion, and Ms. Ladd Fiorini provided a second, to recommend that the Planning Board notify the Zoning Board of Appeals that due to the following factors: (a) the lengthy and complex history of the project and its resulting litigation; (b) that it appears the Planning Board does not have copies of the settlement documentation or the proposed revised subdivision plan; and (c) that a review necessarily involves legal interpretation of a cited Appeals Court decision, the Planning Board is unable to offer substantive comments to the redlined documents submitted for review regarding comprehensive permit amendment #2014-0025, Webster Point Village, 0 Tremont Street / Webster Point Village LLC. The Planning Board does, however, recommend that the Zoning Board of Appeals: (a) hold a public hearing for the purpose of reviewing the proposed amendments because it appears that substantial changes are proposed; and (b) obtain the input and opinion of Town Counsel as to the legal implications of the applicant's newly-proposed changes as they relate to the existing settlement documents.

VOTE ON AMENDED MOTION: The motion carried unanimously, 4-0.

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ZBA REFERRAL, SPECIAL PERMIT: 41 MARGINAL ROAD / BANKS (BURCHILL)

Planning Board members reviewed this special permit request to raze a pre-existing nonconforming structure and to construct a new dwelling on a similar footprint, encroaching on the side and rear setbacks. Mr. Wadsworth commented that the lot is tiny in size. Ms. Ladd Fiorini noted that the existing small dwelling appears to be getting larger, and Mr. Casagrande added that at least it is getting taller.

Mr. Broadrick said that although the special permit application states the lot size as 5,227 square feet, the engineer who stamped the plan correctly referenced the deed which states that the lot excludes the fee in Baker Way and therefore identifies the lot size as 3,700 square feet. Mr. Broadrick noted that the Assessor's property card shows the lot size as .12 acres or 5,227 square feet. He stated that it is up to the Zoning Board of Appeals (ZBA) to establish how the lot area was determined. He noted that although percentages are given for existing and proposed lot coverage, no calculations are shown.

Mr. Glennon noted that there may be an issue on the proposed plan. The setback on the west side of the property is listed as 13.1 feet, but it does not line up with the scale of 1" = 40' shown on the plan. He stated that the scale may actually be closer to 1" = 20.' He stated that the building envelope also appears to be incorrectly shown. Mr. Glennon said that the building is proposed to be 36 feet from the floor to the roof deck. He suggested that the applicant should consider re-designing to stay within the allowed building envelope. He said that the proposed dwelling appears to be a massive structure in a neighborhood of modest bungalows. He suggested that it appears possible to meet required setbacks by re-designing the proposed structure. Mr. Wadsworth agreed that it appears to be much too large of a structure on a very small lot.

Mr. Casagrande noted that it appears to be a 2 1/2 story dwelling, and Ms. Ladd Fiorini said that it looks like a 3 story building on pilings that would add another 3 feet in height. Mr. Wadsworth stated that it is a much larger dwelling than the neighbors' dwellings but it is up to the ZBA to decide whether it represents a substantial increase in nonconformity.

MOTION: Mr. Casagrande made a motion, and Ms. Ladd Fiorini provided a second, for the Planning Board to DEFER JUDGMENT to the Zoning Board of Appeals regarding special permit #2014-0024, 41 Marginal Road / Banks (Burchill), noting that more information is needed. Coverage calculations should be confirmed and shown on the plan because two different lot sizes are presented and it is unclear how the "3% Rule" is being applied, if at all; and existing and proposed structure dimensions and setbacks should be shown on the plan.

VOTE: The motion carried, 3-1, with Mr. Glennon voting against.

Mr. Glennon said that he would have recommended denial of the special permit because a 36-foot high structure that is only eight feet from the property line is substantially larger than the existing structure and therefore is more detrimental.

ZBA REFERRAL, SPECIAL PERMIT: 80 NORTH STREET / QUEVILLON

Planning Board members reviewed this special permit request to construct an accessory apartment within an existing single-family dwelling. Mr. Casagrande said that it appears that the proposed accessory apartment is larger than the 850-foot maximum area in size. Mr. Wadsworth said that it appears to be a two-bedroom apartment although the plan depicts one bedroom and one storage room with a closet.

Mr. Casagrande asked if the storage area or the stairs could be excluded from the accessory apartment area calculations. Mr. Wadsworth stated that because the storage area has a closet it should be considered as a bedroom. He said that even excluding the stairway, the accessory apartment would exceed the maximum area allowed. Ms. Ladd Fiorini said that she believes the stairs should be considered a part of the accessory apartment.

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MOTION: Ms. Ladd Fiorini made a motion, and Mr. Glennon provided a second, to recommend DENIAL to the Zoning Board of Appeals regarding special permit #2014-0026, 80 North Street / Quevillon, a proposal to provide an accessory apartment within an existing dwelling, because the proposed accessory apartment appears to exceed the maximum of 850 square feet allowed per ZBL Section 410.6.2.a. Also, the Planning Board notes that the property is located entirely within the Aquifer Protection Overlay District in addition to the Residential Compatibility District that is noted on the special permit application.

VOTE: The motion carried unanimously, 4-0.

Mr. Broadrick pointed out a Pictometry orthophoto that shows what appears to be a contractor's yard on the property. Mr. Wadsworth asked Mr. Broadrick to bring the photo to the Building Inspector's attention to make sure there is no commercial activity on the property.

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DISCUSSION REGARDING POTENTIAL ZONING BYLAW AMENDMENTS REGARDING RESIDENTIAL CONSERVATION CLUSTERS

Mr. Wadsworth, who serves on the Zoning Bylaw Review Committee (ZBRC), said that during a ZBRC work session with consultants, they had offered to write a zoning bylaw that would eliminate issues with the Residential Conservation Cluster (RCC) bylaw that have been raised following the Wall Street v Westwood law case in 2008. The current RCC bylaw requires a cluster layout unless topographical conditions prevent it, but the Westwood case made clear that communities are not allowed to require cluster developments. Mr. Wadsworth stated that the ZBRC is recommending that the RCC bylaw be folded into the Planned Development District bylaw.

Mr. Broadrick further explained that for division of land into six lots or more or the division of land greater than ten acres into five lots or more (ZBL 530) and residential conservation clusters (ZBL 540) the rationale is that neither clusters nor grid subdivisions can be required by zoning bylaws. The ZBRC recommends that grid subdivisions in these situations be granted by special permit and RCC developments be allowed by right under the Subdivision Control Law process. Mr. Broadrick said that ZBL 560, the Inclusionary Housing bylaw, would be revised to allow multiple types of units instead of all single-family lots. He said that this proposal seems to make sense and there is an opportunity for the consultants to write the bylaw.

Mr. Casagrande, who also serves on the ZBRC, said that it is to the Planning Board's advantage to do this. He said that the ZBRC is looking for the Planning Board's blessing to move forward.

Ms. Mary Steinke, who also serves on the ZBRC, asked if both RCC and subdivisions could be allowed by right. Mr. Casagrande replied that the intent is to nudge people toward the RCC type of development because it allows for more open space. Mr. Broadrick said that perhaps the cluster-type development is not right for the town of Duxbury. Some residents have asked why a property owner cannot do what they want.

Ms. Ladd Fiorini agreed with the proposed approach to allow a cluster by right and a grid subdivision by special permit, noting that it would not be forcing property owners to do either one. It would only give property owners pause for thought.

Mr. Glennon stated that he is not a fan of cluster developments because they do not look like "Duxbury." He said that he prefers grid subdivisions or at least to make grids and clusters equal and let the market determine which one is built. He stated that he would not support tipping the balance to promote clusters. He said that the Bow Street development has shown that the question broadens to grid vs. RCC vs. 40B development, and 40B developments are certainly not in the traditional character of the town. Mr. Glennon stated that although Town

Meeting made it clear in adopting the RCC bylaw that the town would like to see cluster development, he would support a change to the bylaw.

Ms. Steinke stated that she agrees with Mr. Glennon's assessment, noting that she originally moved to the Weston Farms cluster development because the price made it affordable to live in the town of Duxbury. Mr. Glennon noted that the affordability may be a reason to support RCC developments. He asked if promoting grid subdivisions would shut out those who could not otherwise afford to live in Duxbury. Ms. Steinke said that she believes some people move into RCC developments because they look like the neighborhood they have come from in other parts of the country.

Ms. Ladd Fiorini stated that she lives in a small cluster development of five dwellings and she and her neighbors have lived there for over 20 years and are all very happy with their neighborhood. She said that she has lived in Duxbury her entire life and lived in different neighborhoods throughout the town. She said that Town Meeting voted in favor of the RCC bylaw in order to maximize open space. She recommended that any re-write should provide an incentive to construct a cluster development by right.

Mr. Broadrick noted that the Fisher Ridge cluster development recently approved by the Planning Board has four lots not under the Inclusionary Housing provision but the developers were forced to provide a cluster development. Mr. Glennon noted that it was not an adversarial application because there are wetlands surrounding the property. Mr. Broadrick noted that if five or more lots were proposed and the applicant had wanted a grid subdivision, the applicant would have had to fight it in court. Mr. Casagrande said that although the town approved the RCC bylaw he does not believe they intended it to be a sledge hammer.

Mr. Wadsworth concluded that if the Planning Board is agreeable to the proposal, the ZBRC consultants will draft a bylaw and the Planning Board will have a chance to review it again. Mr. Casagrande stated that the ZBRC full report will not be ready for another year, and the consultants say that this RCC amendment cannot wait.

Mr. Wadsworth and Mr. Casagrande stated that they are agreeable to move forward with the RCC bylaw amendment. Ms. Ladd Fiorini stated that she is not agreeable because she favors the cluster by right and grid by special permit.

Mr. Casagrande stated that the ZBRC, Zoning Board of Appeals, and ZBRC consultants have all recommended that Planned Development special permits should be granted under the Planning Board rather than the ZBA.

MOTION: Mr. Glennon made a motion, and Mr. Casagrande provided a second, for the Planning Board to approve a recommendation by the Zoning Bylaw Review Committee to request that its consultants draft amendments to the Zoning Bylaws that would eliminate ZBL Section 530 (Division of Land and Development of Multiple Dwellings) and would incorporate ZBL Section 540 (Residential Conservation Cluster) and ZBL Section 560 (Inclusionary Housing) into ZBL Section 700 (Design Standards for Planned Developments).

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

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DISCUSSION REGARDING POTENTIAL NEW ZONING BYLAW: RESIDENTIAL SOLAR ENERGY SYSTEMS

Mr. Wadsworth stated that Mr. Glennon has raised a concern about residential solar energy structures and has suggested that the Planning Board be proactive in proposing a Zoning Bylaw to address solar structures before they become an issue. Mr. Wadsworth said that if solar panels are to be installed or mounted as stand-alone structures, they should be considered part of lot coverage. He said that another potential issue would be glare to a neighbor. He noted that glare would not necessarily be an issue for roof-mounted solar panels.

Ms. Ladd Fiorini stated that she does not have enough information to form a conclusion; however, in reviewing the solar panels at the transfer station, it was stated that a person would have to be four stories above the panels to be affected by solar glare. Mr. Broadrick noted that newer solar panels generally include at least one anti-reflective layer to maximize absorption and minimize glare. He stated that it generally comes down to whether a person is for or against them, just like wind turbines.

Mr. Casagrande said that he has no problem with solar energy, and the town does not appear to favor wind energy. He said that he would not object to a prohibition of ground mounted solar arrays because they are not consistent with the character of the town.

Mr. Broadrick offered to look into a zoning bylaw that would address ground mounted solar structures.

OTHER BUSINESS

Planning Board Annual Report: Board members reviewed and informally approved the final draft of the Planning Board annual report for FY2013.

Planning Board Minutes:

MOTION: Mr. Casagrande made a motion, and Mr. Glennon provided a second, to approve meeting minutes of August 25, 2014 as amended.

VOTE: The motion carried 3-0-1 with Ms. Ladd Fiorini abstaining.

McLean's Way 40B Correspondence: Board members reviewed separate letters submitted to the Planning Board from residents Mr. Brian & Ms. Linda Moriarty and Ms. Selden Tearse regarding the proposed comprehensive permit for McLean's Way off of Bow Street, with no comment.

ADJOURNMENT

The Planning Board meeting adjourned at 9:58 PM. The next Planning Board meeting will take place on Monday, October 27, 2014 at 7:00 PM at the Duxbury Town Hall.

MATERIALS REVIEWED

Continued Public Hearing, Definitive Subdivision: 0 Tremont Street / Nass & Alfieri

- PB minutes of 07/14/14
- Public hearing notice

Initial Public Hearing, Definitive Subdivision: 200 Franklin Street / Bartlett

- Definitive Subdivision application and plans submitted on 08/07/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto
- Public hearing notice
- Letter from P. Brennan of Amory Engineers dated 08/26/14 re: initial peer review

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- Letter from Board of Health dated 08/27/14 re: No BOH issues
- Email from C. West, Deputy Fire Chief, dated 09/11/14 re: No Fire Department issues
- Emails between T. Broadrick & P. Brogna dated 09/09 – 09/10/14 re: DRT concerns, list of waivers, and homeowners' association
- Emails between D. Grant and T. Kelso, Town Historian, dated 09/10 - 09/11/14
- Draft decision dated 09/23/14
- Letter from P. Brogna of Seacoast Engineering dated 09/16/14 re: waivers (*distributed at meeting*)

ZBA Referral, Comprehensive Permit Amendment: 0 Tremont Street / Webster Point Village LLC

- ZBA comprehensive permit amendment application submitted to the Planning office on 09/04/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

ZBA Referral, Special Permit: 41 Marginal Road / Banks (Burchill)

- ZBA special permit amendment application submitted to the Planning office on 08/22/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

ZBA Referral, Special Permit: 80 North Street / Quevillon

- ZBA special permit amendment application submitted to the Planning office on 09/11/14
- Vision GIS map, aerial photo, Assessor's property card, and Pictometry orthophoto

Discussion Regarding Potential Zoning Bylaw Amendments Regarding Residential Conservation Clusters

- Case law: Wall Street v Westwood (2008)
- Public hearing notices for related ZBL changes in Marshfield and Plymouth

Discussion Regarding Potential New Zoning Bylaw: Residential Solar Energy Systems

- Emails between T. Broadrick & S. Lambiase dated 08/26-08/27/14 re: solar panel building permits
- PB minutes of 09/24/12 re: Glennon concern solar glare (*see p. 2*)
- "Ground-Mounted Solar Panels Hit Obstacles in Quincy" *Boston Globe* article dated 08/02/12
- "Planning and Zoning for Solar Energy" APA Planning Advisory Service FAQ

Other Business

- PB Annual Report 2014
- Minutes of 08/25/14
- Letter from B.&L. Moriarty to Rep. J. Cutler dated 08/28/14 and cc'd to PB re: McLean's Way 40B
- Letter from S. Tearse to Rep. J. Cutler dated 09/02/14 and cc'd to PB re: McLean's Way 40B
- "State Urges Residents to Check Flood Zones" *Boston Globe* article dated 08/06/14
- "PlannersWeb to End Operations" article
- ZBA Decision: 11 Ryan's Lane / McLaughlin
- Construction Cost Estimates for August 2014

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SIGN IN SHEET

September 22, 2014

Continued Public Hearing:
Littletown Way, off Tremont Street / Nass & Alfieri

Initial Public Hearing:
Gudrun Way, off Franklin Street / Bartlett

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Please print your name and address for our records:

Name

Catherine Stein

Address:

87A Tremont St

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