



Town of Duxbury Conservation Commission

TOWN CLERK

2019 SEP 10 AM 8:23

DUXBURY, MASS.

Minutes of June 4, 2019

The Conservation Commission met on Tuesday, June 4, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Robb D'Amburoso, Vice-Chair; Sam Butcher; Mickey McGonagle; Holly Morris

Members Absent: Tom Gill; Corey Wisneski; Scott Zoltowski

Staff Present: Joe Grady; Conservation Administrator; Susan Ossoff, Administrative Assistant

The meeting was called to order at 7:04 pm.

PUBLIC HEARING; CAFFREY; 208 MYRTLE STREET; SINGLE FAMILY HOME SE18-1864

Nicholas Leng of Grady Consulting described the project. An older farmhouse will be torn down and a new house that will be closer to the wetlands and have a larger footprint will be built. Joe Grady commented that the limit of work line is tight to the house, within 10', and that there is room for it to go to 25', that area is all lawn now. Joe Grady reminded the Commission that an ANRAD was done at the site which was reviewed by Nover-Armstrong, it is a tight site with a lot of wetlands. The existing barn will remain and there will be some regrading.

Sam Butcher commented that one corner of the foundation is 50' from the wetlands which is the minimum allowed, and recommended that be accurately marked before construction because it can not be any closer.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 4-0 to write Orders of Conditions for SE18-1864, 208 Myrtle Street.

PUBLIC HEARING; LEEDOM; 74 BAY ROAD; SITE IMPROVEMENTS

Mark Casey of South Shore Survey Consultants described the project which consists of site improvements. An ANRAD was done for this site. The owners want to raze both dwellings and remove the parking areas and then loam and seed. The front entrance which the public sometimes uses as a parking area will be narrowed and loamed and seeded and the existing farm stand will be removed. The existing septic tank will be pumped, and in 5-7 years the owners anticipate building a new house; for now this will be vacant property. The existing fruit trees will be maintained and additional fruit trees planted, and they hope to restore the Chapter status of the land. There is an existing telephone pole near the pond with wires that go to the dwelling; the plan is to run the electric from the existing pole to a shorter pole and then underground to a waterproof panel so it can be used for tents and parties.

Sam Butcher asked if the septic system is being preserved, Mark Casey said the sewer pipe will be cut and capped, they will leave the tank in place and pump the chamber, and the SAS will also remain in place for use in the future.

Sam Butcher moved a Negative Determination such that no Notice of Intent is required for the work at 74 Bay Road. The motion was seconded by Holly Morris and approved by a vote of 4-0.

**PUBLIC HEARING; DUCKS BERRY LLC; 1065 SUMMER STREET (DOGWOOD DRIVE)
LOT H; REQUEST TO AMEND PLANS TO ADD A WELL
SE18-1828**

Rick Grady of Grady Engineering described the project. He met with the Commission about 3 weeks ago and was advised to file for Amended Orders of Conditions. He has incorporated the Commission's comments in the plan and the construction sequence document. This project is a drinking water well about 36' from the wetlands. The limit of work line has been revised to allow for enough room for the well drilling equipment. Information was added on the discharge areas for any pumping that is necessary. He spoke to the well drillers and the methods to be used is mud rotary drilling to bedrock then air hammer drilling to depth with cooling.

Joe Grady asked if the trench detail is for the utilities, and Rick Grady said yes the trench will be used for the water service line and for the electrical line.

Rick Grady summarized the approach which is to install the erosion control for the house project and well. A 4'x4'x4' mud pit will be excavated in the vicinity using excavated materials as a berm. A discharge pit will be excavated, about 10'x10'x3' deep for any water generated in the process, this will be outside of the buffer zone. A discharge hose from the drilling area will go to this pit and the pit will be monitored and enlarged if necessary. Excess excavated material will be used as fill. The well casing will be installed, and the trench for the water line and electrical conduit will be excavated. Any dewatering will be discharged to the same pit as the drilling water discharge. The area will be backfilled and stabilized with mulch, it is not going to be lawn. At the end of the project, with the approval of the Conservation Administrator, the erosion control barrier will be removed.

Dan Costanza of 254 Taylor Street in Pembroke, an abutter to the project, asked Rick Grady to show on the plan for the subdivision which lots are getting wells and asked what the distance is to the property line. Rick Grady said the well will be about 150' from the property line on Lot H.

Sam Butcher made a motion to write Amended Orders of Conditions for SE18-1828, Lot H, 1065 Summer Street to reflect the installation of a private water supply well. The motion was seconded by Mickey McGonagle and approved by a vote of 4-0.

**PUBLIC HEARING; DUCKS BERRY LLC; 1065 SUMMER STREET (DOGWOOD DRIVE)
LOT J; REQUEST TO AMEND PLANS TO ADD A WELL
SE18-1829**

Rick Grady of Grady Engineering described the project which is a request to Amend the existing Orders of Conditions to include a private drinking water well about 54' from the wetlands. The details are similar to the approach described for Lot H above, though this lot has easier access.

Sam Butcher asked if the well driller harvests the mud; Rick Grady said it is not a large volume and he isn't sure. Sam Butcher asked how long it takes, and Rick Grady said it they stage the sites and try to drill the well in one day.

Sam Butcher made a motion to write Amended Orders of Conditions for SE18-1829, Lot J, 1065 Summer Street to reflect the installation of a private water supply well. The motion was seconded by Holly Morris and approved by a vote of 4-0.

PUBLIC HEARING; NSTAR (dba EVERSOURCE); 249 LINCOLN STREET; UNDERGROUND CONDUIT

Dana Vestry of Tighe & Bond presented the project which is to install 3 underground conduits at Station 738. These are 3 new electrical conduits to existing utility poles, about 300 linear feet of conduit. They will excavate a 3' x 3' trench, install the line, and backfill. There will be 541 square feet of temporary disturbance to the BVW and land subject to flooding. This work is exempt under the Wetlands Protection Act for installing utilities. Erosion controls will be used from the poles to the station.

Sam Butcher mentioned that people park their cars to walk dogs on the south end of this area, and asked if that area will be blocked by the work. Dana Vestry said that the work will be in the yard or within 10' of the yard so nothing will be blocked off.

Sam Butcher made a motion to issue a Negative Determination such that no Notice of Intent is required for the electrical conduit work at 249 Lincoln Street. The motion was seconded by Mickey McGonagle and approved by a vote of 4-0.

ADMINISTRATIVE MATTERS

Certificates of Compliance: SE18-971; 51 Hitty Tom Road: Partial Certificates of Compliance were previously issued for this project for all work except landscaping. Joe Grady said he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Final Certificates of Compliance for SE18-971. On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0 to issue Certificates of Compliance for SE18-971, 51 Hitty Tom Road.

Request for Revisions: SE18-1850, 355 Temple Street

Joe Grady explained that this request is for minor changes at 355 Temple Street. Nothing is moving closer to the wetland resources; the garage and dwelling are being enlarged but the deck is being removed resulting in a decrease in coverage from 8% to 7.9%. Because the structures are being enlarged these changes require the Commission's approval; Joe Grady recommends allowing these changes under the existing Orders of Conditions. On a motion by Sam Butcher, seconded by Holly Morris, the Commission voted 4-0 to accept the proposed revisions shown on the plan dated 5/16/19 for SE18-1850, 355 Temple Street.

Discussion: Comprehensive Plan

Joe Grady said he is concerned that throughout the Draft Comprehensive Plan document there are suggestions to use Conservation Land for various purposes. He provided a

memo to the Commission outlining some of his concerns. The Conservation Commission owns and manages the lands. Sam Butcher said that by statute, the Commission is obliged to be stewards of the conservation land.

Joe Grady reviewed some examples that are of concern from the draft Comprehensive Plan document. Under the Public Facilities section, recommendation #5, it recommends working with other communities for shared green spaces. Duxbury has some experience with this at Bay Farm, and it has been a very negative experience. In the 1980's a management plan was developed with DCR and the Kingston Conservation Commission, yet all the work is done by Duxbury – plowing, trash removal, etc. Joe Grady does not feel that collaborating on land management works well on a long-term basis.

Under Historical Resources, Strategy 2.7, it suggests using Open Space to link historical and cultural resources. Under Transportation on Page 1, key findings, it suggests developing a street and trail transport action plan; yet nobody has talked to the Conservation Commission about any of this. This plan suggests expanding walking trails to connect nodes such as schools and neighborhoods – focusing on recreation rather than on protecting resources. This is not the reason the land was purchased and it is not legal to use Conservation land for a transport network. Under Housing it suggests using the open space land to connect housing developments.

The Draft Comprehensive Plan suggests increasing public access to the waterfront and conservation land. The beach is jammed, the Harbormaster has waiting lists for everything. Joe Grady believes the focus needs to be on preventing overuse and the damage that does to resources, and the focus should be on preservation and protection, not expanding use.

Joe Grady feels the Conservation land does not need more trails, and there should not be state agencies involved. This increased use of these resources is recommended throughout the document, and he finds it troubling. He recommends inviting the authors to a Conservation Commission meeting to discuss this and review the document in detail.

Mickey McGonagle commented about the Action Plan. He said there are goals and timelines for implementation but the document doesn't address where the resources come from beyond grants. He believes if this was a serious plan that the resources needed to implement it would be identified and prioritized. He wondered if the plan has substantial boilerplate language that the consultant has used for other projects, but this language does not work for Duxbury.

Holly Morris said she has done an extensive review and has sent comments to the Town's Planning Director because she has many concerns. As an example, Community Preservation Act projects are not identified on the maps. It suggests a transportation infrastructure, including bike sharing options, and she believes this is a plan designed for an urban community and not an established older community.

Holly Morris has concerns about creating more trails throughout the Town's open space. She has concerns about encouraging kids to be moving between locations through the woods due to safety concerns. In the Goals and Objectives for Housing it talks about

using existing structures for affordable housing, but it misses the idea of people wanting to downsize.

Sam Butcher said MAPC asked for ambassadors, and he went to several meetings and found them repetitive and he stopped attending. He believes the interests of the stakeholders that continued to attend the meetings are what carried into the plan. He agrees with Joe Grady about open space being discussed in the context of recreation and not of preservation of natural resources or habitat. For the Commission to better manage its lands, the issue of intensity of use needs to be addressed. It is the Conservation Commission's charge to be stewards of the land, not to increase recreational uses of the land.

Robb D'Ambruoso said that the open space focus should be on preservation, not on expansion of use.

Joe Grady will invite the Planning Director and the lead member of the MAPC team to come talk about the issues and the basic philosophical differences the Commission has. Joe Grady said a typical Comprehensive Plan addresses zoning issues like mansionization, housing diversity, elderly housing, and suggests changes to the zoning based on the Town's wishes. This plan does not address any of these issues.

Robb D'Ambruoso said that the Commission's comments should be summarized and gotten to the Planning Director within a week. She and MAPC will be invited to the next Conservation Commission meeting on July 9.

Chapter Land Right of First Refusal: 761 Temple Street

Joe Grady explained that the owner of the property has a signed Purchase & Sale agreement for the property at 761 Temple Street. The Town has the Right of First Refusal (ROFR) through Chapter 61. Joe Grady said he had conversations with the owner about this land; it does not fit with the Open Space acquisition goals and is being sold for 2.2 million dollars. His recommendation is that the Commission vote to recommend to the Board of Selectmen that they do not exercise the ROFR for this land for Open Space purposes.

Sam Butcher made the following motion: To recommend to the Board of Selectmen that they do not exercise the ROFR for open space purposes for the land at 761 Temple Street as described in a letter dated May 23, 2019 from Attorney Douglas A. Muir titled 'Notice and Statement of Intention to Sell Land Subject to MGL c. 61A' with the property address of 761 Temple Street, Duxbury, MA; shown as Parcel A and Lots 1, 2, and 3 on a plan entitled 'Plan of Land in Duxbury, MA' by South Shore Survey Consultants dated December 4, 2017. The motion was seconded by Holly Morris and approved by a vote of 4-0.

North Hill Conservation Restriction

This is some of the land purchased from the Merry family in 2015 and the draft Conservation Restriction has been prepared as required under the Community Preservation Act. Mass Audubon will hold the restriction. Joe Grady walked the boundaries today with a representative from Mass Audubon who will prepare the baseline survey document. He recommends the Commission sign the Conservation Restriction document.

Expiring Terms

The terms expiring at the end of the June are Corey Wisneski, Scott Zoltowski, and Holly Morris. Holly Morris and Scott Zoltowski have been reappointed; Corey Wisneski is still undecided.

Enforcement: 98 Harrison Street; Request for Changes

Joe Grady reported that the request for changes has been withdrawn so no discussion is needed.

Adjournment: On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0 to adjourn the meeting at 8:17 pm.

MATERIALS REVIEWED AT THE MEETING

NOI Materials for SE18-1864

Request for Amended Orders materials for SE18-1828 and SE18-1829

RDA materials for 74 Bay Road and 249 Lincoln Street

Revised plans for SE18-1850, 355 Temple Street

Memo from Joe Grady regarding Comprehensive Plan