



Town of Duxbury Conservation Commission

Approved 2/12/2019

TOWN CLERK

2019 FEB 13 AM 9:27

DUXBURY, MASS.

Minutes of October 16, 2018

The Conservation Commission met on Tuesday, October 16, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Corey Wisneski, Chair; Robb D'Ambruoso (leaves 8:20); Mickey McGonagle; Holly Morris; Tom Gill; Scott Zoltowski

Members Absent: Sam Butcher

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

The meeting was called to order at 7:00 pm.

CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 274 MARSHALL STREET; SEAWALL SE18-1824

The Commission is waiting for revised plans for this project, and the applicant has asked for a continuance. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to continue the hearing for SE18-1824 until November 13 at 7:10 pm.

CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 262 MARSHALL STREET; SEAWALL SE18-1822

The Commission is waiting for revised plans for this project, and the applicant has asked for a continuance. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to continue the hearing for SE18-1822 until November 13 at 7:11 pm.

CONTINUED PUBLIC HEARING; CARTY; 344 TEMPLE STREET; GARAGE AND DRIVEWAY SE18-1821

Joe Grady reported that all requested changes have been made and a revised plan submitted; the driveway is now out of the buffer area and an example of the conservation markers has been submitted.

On a motion by Scott Zoltowski, seconded by Holly Morris, it was voted 6-0 to write Orders of Conditions for SE18-1821.

PUBLIC HEARING; DUCKS BERRY LLC; DOGWOOD DRIVE LOT H; SINGLE FAMILY HOME SE18-1828

Rob Carlezon of Grady Engineering described the project. This is for a single family home on Lot H; site work and the deck are within the 100' buffer; the septic system is outside the buffer.

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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.

There is a BVW in the back yard, and a silt sock, temporary swale and sediment trap will be used for erosion control. Existing coverage is 0% and will be 0.6% upon completion of the project.

Corey Wisneski commented that these lots have not been released and there are no individual lot numbers. If Orders were to be issued now, they would apply to all the lots which is not favorable to the applicant and creates issues with getting Certificates of Compliance and transferring lots in the future. Her suggestion is to continue this project until the lots are released.

Joe Grady said that the road has not been started, so there is no bond posted and no road frontage for these lots. Typically once these are in place, the Planning Board releases the lot for construction so it is known that it is a buildable lot. He suggested continuing the hearing. During the subdivision process, drainage analysis was done for a certain amount of fill; Joe Grady asked Rob Carlezon to describe any changes to that original plan with this filing. Joe Grady said the slab is 1.8' higher than what was reviewed by the Commission's peer reviewer, there is 3' more fill over the septic tank and the grade is 2.4' higher over the leaching field. It is the same square footage discharging into the same area, so the net effect may be no change. He said there is no detail about the temporary drainage swale such as the size, how it will be constructed, and how it will be pumped.

Corey Wisneski asked if another peer review of drainage is required, Joe Grady suggested going to the Planning Board review engineer and seeing if he is comfortable with the changes. He reiterated that without a lot number, the Orders of Conditions will be recorded on the entire parcel which makes it very difficult for property transfers; it is cleaner to wait for Assessor's lot numbers and recording information from the Registry of Deeds. He said the Deputy Assessor said he can assign lot numbers within 2 weeks.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to continue the hearing for SE18-1828 until November 13 at 7:15 pm.

**PUBLIC HEARING; DUCKS BERRY LLC; DOGWOOD DRIVE LOT J; SINGLE FAMILY HOME
SE18-1829**

Rob Carlezon of Grady Engineering described the project which is a single family home with the septic system outside of the 100' buffer zone. Site work, a deck, a portion of the house, and the driveway are in the buffer zone. All work is outside the 50' buffer zone and existing coverage is 0 and proposed coverage is 4.9%.

Joe Grady said there are not as many changes to the project with this lot as there was with Lot H, just discussed; the elevations are close to what was originally permitted although the house is substantially different. He suggested postponing action on this project until a lot number can be obtained from the Assessor and a lot release and he will ask the Planning Board's consulting engineer if the changes have any significance in terms of drainage.

On a motion by Tom Gill, seconded by Robb D'Ambruoso, it was voted 6-0 to continue the hearing for SE18-1829 until November 13 at 7:20 pm.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 1 ABRAMS HILL; MOVE HOUSE & COASTAL BANK
SE18-1832**

Freeman Boynton Jr. of Duxbury Construction presented the project which is to relocate the cottage and elevate it on piers and re-establish the coastal bank. The existing home has a short seawall with salt marsh on one side and grass on the other side. The cottage experiences substantial flooding so the project is to move it back and raise it on piles. The lower areas will be filled to change the elevation from 8' to 10'. A landscape buffer will be established behind the wall.

Corey Wisneski commented that she has never seen a coastal bank being redrawn; Mr. Boynton said he has done it before. Joe Grady said he isn't sure the best way to proceed, but believes the Commission will see more of these types of filling projects in the future. He recommends the Commission make a site visit. The performance standard for a coastal bank is that it hold back the ocean, and it can do that wherever it is located. Holly Morris said this project is to make a property more developable by moving the coastal bank and advises the Commission be cautious about moving the resource area.

Mickey McGonagle said allowing changes on parcel by parcel basis that establish a precedent is not the way to proceed. He believes there will be lots of projects that come in because of climate change issues and recommends the Commission look at it in a comprehensive way.

Freeman Boynton said he can lower the level of filling so it is below the flood elevation and then the coastal bank will not change.

Sherm Hoyt, an abutter to the North, suggested a site visit. He said the flat area to be filled is where marsh was filled to build a tennis court. He had other concerns with erosion. Ben Bishop, an abutter to the west, said he is concerned that the filling will affect trees and vegetation; Mr. Boynton said the trees will die.

Lorrie Hall of 175 Abrams Hill said that dirt or sand fill will be eroded in big storms and that removing vegetation to add fill won't help stabilize the area.

A site visit was scheduled for 9:15 am on Monday, October 22.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to continue the hearing for SE18-1832 until October 30 at 7:25 pm.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 54 BAY POND ROAD; SEAWALL
SE18-1831**

Freeman Boynton Jr. of Duxbury Construction described the project. At the east end of the wall there is not as much scouring so they want to cut down the trees to let light in and put in coir rolls and vegetate heavily to stabilize this Section C of the plan.

In Section B on the plan, the storms have done a lot of damage and chewed into the bank half way to the house. In this area they want to armor the coastal bank. The regulations require the building to be present prior to 1978, in this case the boathouse does predate 1978. Joe Grady said the revetment doesn't protect the boathouse because it is seaward of the revetment. Joe Grady said he talked to Greg DeCesare at the DEP Lakeville office and he said that the seawall already exists here, and if it exists you can permit an improved seawall.

In Section A there is no seawall but they want to build one from the cedar tree to the boathouse, and do plantings as in Section C.

Joe Grady said he made a site visit with Freeman Boynton, and this is repairs to an existing wall it can be permitted. Scott Zoltowski asked if the existing timber construction is considered a seawall, and Joe Grady said yes, but railroad tie seawalls don't work well. The project was downsized to meet the regulations.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1831 on the condition of receiving a revised plan prior to issuing the Orders.

**PUBLIC HEARING; 246 MARSHALL STREET; SEAWALL
SE18-193??**

Freeman Boynton requested a continuance of this hearing; no DEP File Number has been issued for this project. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0-0 to continue the hearing for 246 Marshall Street until November 13 at 7:12 pm.

**PUBLIC HEARING; BOESS; 28 SUNSET ROAD; RETAINING WALL
SE18-183??**

Paul Brogna of Seacoast Engineering described the project which is a retaining wall to protect the rear of the property because of flooding in the basement of the house. The stone wall will be replaced with a reinforced concrete wall that is 42' from the salt marsh. There is no DEP file number for this project yet and a few revisions to the plan are necessary. Holly Morris asked about grade changes and Mr. Brogna said on the back the grade will be raised 6-12" from 8' to about 9'.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0 to continue the hearing for 28 Sunset Road until October 30 at 7:30 pm.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 206 WASHINGTON STREET;
RETAINING WALLS, DECKS, STAIRS
SE18-1830**

Freeman Boynton, Jr. of Duxbury Construction described the project. Retaining walls will be built so there is a flat area of the yard. A deck and stairs will also be constructed; at its closest point the deck will be 85' away from the resource area. The retaining walls will be between the 25' and 50' buffer. There is currently lawn to the property line, in the 25' buffer the lawn will be reseeded after the work is complete. The coverage at the end of the project will be 2.27%. Joe Grady said the project meets the rules and regulations of the Commission.

On a motion by Corey Wisneski, seconded by Holly Morris, it was voted 5-0 to write Orders of Conditions for SE18-1830, 206 Washington Street.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 675 BAY ROAD; EXTEND A
SEAWALL
SE18-1833**

Freeman Boynton Jr. described the project which is to extend a seawall. The home did not exist prior to 1978. There is an existing concrete seawall. There is a small piece at the end, about 17'

long, that protects the costal bank. There are stones there, the plan is to extend it 9'; the rest of it is not on a coastal bank and therefore the issue of the house not existing prior to 1978 is not significant. Joe Grady recommended the plan be revised to include beach nourishment followed by plantings to stabilize the area.

On a motion by Corey Wisneski, seconded by Holly Morris, the hearing for SE18-1833 was continued until October 30 at 7:35 pm.

ADMINISTRATIVE MATTERS

Approval of Minutes:

July 24, 2018: On a motion by Tom Gill, seconded by Robb D'Ambruoso, the minutes of July 24, 2018 were approved by a vote of 6-0.

August 14, 2018: On a motion by Corey Wisneski, seconded by Tom Gill, the minutes of August 14, 2018 were approved by a vote of 6-0 as written.

Certificates of Compliance:

SE18-1789; 126 Flint Locke Drive: Joe Grady said a partial Certificate of Compliance was previously issued for this project with the only outstanding condition to establish the vegetation; the vegetation is now established and he recommends Certificates of Compliance be issued for this project. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to issue Certificates of Compliance for SE18-1789.

SE18-1713; 344 Temple Street: There is no as-built for this project yet so Joe Grady recommended postponing any action until proper documentation is received.

SE18-1720; 237 King Caesar Road: Joe Grady said he has inspected the project, all required documentation has been received, and he recommends Certificates of Compliance be issued for this project. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to issue Certificates of Compliance for SE18-1720, 237 King Caesar Road.

Right of First Refusal: Summer Street.

Joe Grady explained that this is the project that is on Dogwood Drive. The Town received notification that the land will be taken out of Chapter Land status, which triggers a Right of First Refusal (ROFR) for the Town. The Board of Selectmen ask for input from other boards before responding. Joe Grady said this land has not been considered for purchase by the land group and recommends voting to recommend to the BOS that they do not exercise their ROFR for open space purposes.

Scott Zoltowski made the following motion: That the conservation Commission recommends to the Board of Selectmen that they do not exercise the Right of First Refusal for open space purposes for the land at 1065 Summer Street as described in a letter dated September 14, 2018 from Galvin & Galvin, PC titled 'Notice of Intent to Sell Land Gen. L.C. 61A Sec. 14; Property Address: 1065 Summer Street, Duxbury MA; owner: Ducks Berry LLC; Assessor's Parcel No. 004-013-000. The motion was seconded by Tom Gill and approved by a vote of 6-0.

Letter requesting farm operation on Conservation Commission land

Joe Grady said a farmer with a greenhouse business asked about leasing land for hoop houses for agricultural purposes. Joe Grady said there is no location available at this time to recommend.

Deed Signatures: Rural & Historical Society

Joe Grady explained the Rural & Historical Society wishes to donate 2 parcels of marsh land. One parcel is off Abrams Hill and one is off Pine Point.

Hewitt Marsh property: Robb D'Ambruoso made the following motion: to accept the deed from the Duxbury Rural & Historical Society, Inc. to property located off New Careswell street, Duxbury, also known as 'Hewitt Marsh' and located north of Abrams Hill, Duxbury, for conservation and passive recreation purposes on this 16th day of October, 2018. The motion was seconded by Tom Gill and approved by a vote of 6-0.

Pine Point property: Robb D'Ambruoso made the following motion: to accept the foregoing deed from Duxbury Rural & Historical Society, Inc. to property located on Pine Point off Gurnet Road, Duxbury, for conservation and passive recreation purposes on this 16th day of October, 2018. The motion was seconded by Scott Zoltowski and approved by a vote of 6-0.

Adjournment: On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0 to adjourn the meeting at 8:47 pm.

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1824, SE18-1822, SE18-1821, SE18-1828, SE18-1829, SE18-1832, SE18-1831; SE18-1830; SE18-1833

Draft Minutes of July 24, 2018; August 14, 2018

Letter regarding Right of First Refusal for Summer Street property