



Town of Duxbury Conservation Commission

TOWN CLERK

2019 FEB 13 AM 9:28

DUXBURY, MASS.

Minutes of December 4, 2018

The Conservation Commission met on Tuesday, December 4, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Corey Wisneski, Chairman; Sam Butcher; Robb D'Ambruoso; Mickey McGonagle; Holly Morris; Scott Zoltowski

Members Absent: Tom Gill

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

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

PUBLIC HEARING; STONE CONSTRUCTION; ADJACENT TO 495 CHANDLER STREET; SINGLE FAMILY HOME SE18-1841

Al Vautrinot of Vautrinot Consulting described the project which is to build a single family home. One corner of the house is in the 100' buffer, everything is greater than 50' from the resource area. Joe Grady said he believes the wetlands line is accurate and the project meets the Commission's rules and regulations.

On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 6-0 to write Orders of Conditions for SE18-1841.

REQUEST TO REVISE ORDERS OF CONDITIONS; DUXBURY CONSTRUCTION LLC; 174 MARSHALL STREET SE18-1770

This is a request to revise the Orders of Conditions at 174 Marshall Street. Harry Scott, the property owner, described the situation which is that the retaining wall necessary for a pool safety cover extends beyond what was permitted. It is not closer to the coastal bank. The only alternative is to remove the wall and the cover and they don't want to do that. There is 17 square feet less coverage than was approved for the project. The cover can't be moved to the other end of the pool because the proper rebar is not in place. The only option is to do without the cover.

Joe Grady reviewed the history of the projects at this site. The project was approved to reconstruct the house in place based on grandfathering; they were to use the same foundation but did not use the same foundation, they installed a new one. The original hearing allowed grandfathering the pool area within the 50' setback, but now the project extends beyond the grandfathered footprint.

Corey Wisneski asked if it is a safety cover and Mr. Scott said yes it is. Joe Grady reminded the Commission that all components of the pool under the regulations must be more than 50' from the resource area, for this project grandfathering of 17'4" was allowed. Mr. Scott said it will now be 18'3". Sam Butcher said that given the degree of alteration that would be required to address this through other means, he is inclined to accept this. This is why the pool should be marked before being installed. Robb D'Ambruoso suggested requiring mitigation such as removing the lawn and adding native plantings. Mr. Scott said they will not install the hardscape to the east of the pool. Scott Zoltowski asked if the pool as currently built would have been accepted had it been filed this way and Corey Wisneski said no. Corey Wisneski said she was hesitant to approve this but the fact this is a safety guard sways her to allow it to remain as built. Robb D'Ambruoso said it is a bad precedent to approve sloppy work not in accordance with the plans, and asked how you make a principled distinction next time? Holly Morris said normally she'd want the construction pulled back, but she is concerned with safety issues and is willing to accept this for this project only. Corey Wisneski stated that every project is considered separately.

Sam Butcher made a motion to accept the revision to the end of the pool as proposed and shown on the plan received by the Conservation Department on October 1, 2018 for SE18-1770. The motion was seconded by Holly Morris and approved by a vote of 6-0.

PUBLIC MEETING; FERREIRA; 453 WASHINGTON STREET; PAVING

Michael Ferreira, the owner of the property, said the parking lot is hard gravel and is very hard to maintain and creates plowing issues. He hopes to pave the lot and install drainage along the edge consisting of a 2'x2' trench with 1 1/4" stone. There are retail offices and residential spaces in the buildings. Corey Wisneski said it is 11' to the edge of the bay. Joe Grady said this is Land Subject to Coastal Storm Flowage and he recommends a Negative Determination.

Robb D'Ambruoso asked if underground filtration is possible. Joe Grady said this is filled land so there is no leaching capability below the pavement.

Sam Butcher made a motion to issue a Negative Determination such that no Notice of Intent is required for the project at 453 Washington Street. The motion was seconded by Robb D'Ambruoso and approved by a vote of 6-0.

CONTINUED PUBLIC HEARING; CALISTA; 315 KING CAESAR ROAD; PIER SE18-1836

The Commission has received a proposal from Nover-Armstrong Associates to do a peer review of the pier. Holly Morris made a motion to approve the proposal from Nover-Armstrong for peer review services for the project at 315 King Caesar Road. The motion was seconded by Scott Zoltowski and approved by a vote of 6-0.

Scott Zoltowski made a motion to continue the hearing for SE18-1836 until January 8 at 7:05 pm. The motion was seconded by Sam Butcher and approved by a vote of 6-0.

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

The quorum for this hearing is all members except Sam Butcher.

Rick Grady of Grady Engineering provided some additional information about the project. He has provided additional sediment trap and swale detail. There is no work within the 50' buffer, the closest work to the resource area is 65'.

Joe Grady said the Commission had expressed concerns that the lots were not released in this proposed development, and he checked with Town Counsel who confirmed it is OK to issue Orders of Conditions. Town Counsel suggested the Orders not be recorded until there is a deed for the individual lot to avoid the issue of the Orders being recorded on the entire property, this is beneficial for everyone. Rick Grady said he understands the recommendation and it is acceptable to the applicant.

On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 5-0 to write Orders of Conditions for SE18-1829, Dogwood Drive Lot H, with the recommendation that the Orders not be recorded until there is a deed for this lot.

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

The quorum for this hearing is all members except Sam Butcher.

Rick Grady of Grady Engineering said that although this hearing was continued, no new plan or information was requested by the Commission for it. A portion of the dwelling was within the 100' buffer zone and coverage will be 4.9%. Holly Morris asked if this house will be built on a slab and Rick Grady said no, it will be a rear walk-out; the foundation in front will have fill up to the top of the foundation with a walk-out in back.

Joe Grady said the same issues with deed recording as discussed in the Lot H hearing above should be considered.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1829 with the recommendation that the Orders not be recorded until there is a deed for this lot.

**PUBLIC HEARING; WB BUILDERS DUXBURY LLC; 1 & 25 LINCOLN STREET; ANRAD
SE18-1843**

Kyle Devenish of Outback Engineering Inc. reviewed the plan showing the wetland lines. He had gotten some feedback from Joe Grady and revised the plan. Joe Grady said the revised plan was not received in time to be distributed to the Commission so he recommends continuing the hearing so the Commissioners have time to review the plan.

Deborah Keller of 30 Lincoln Street asked if Joe Grady's review of the wetlands line is adequate. Joe Grady said yes, he is confident in his review.

Sam Butcher said there are some wetlands in an adjacent property and the buffer to that wetland needs to be shown on the plan. Mr. Devenish said that is on a neighbors property and he can't flag it; Mr. Grady said he could ask the neighbors if he can flag it and Mr. Butcher said the alternative is to not have the Commission confirm the lines in that section of the property.

Patrick Cahill of 761 Mayflower Street said that when the tower went in that area, they had been told the land was not buildable because it was all clay. Corey Wisneski said this application is to approve wetlands line only and no other construction is before the Commission.

On a motion by Sam Butcher, seconded by Scott Zoltowski, the hearing for SE18-1843 was continued until December 18 at 7:20 pm.

PUBLIC HEARING; FLYNN; 1 ALLENS LANE; LANDSCAPING

SE18-1845

Mark Casey of South Shore Survey Consultants and Paul Ripley, landscape architect were present to discuss the project. There is an isolated vegetated wetlands on the property. Trees are being removed, and a stone wall will be removed and peastone will be put in. Coverage will be 12.18%. Holly Morris asked about the diameter of the trees being taken down and Mark Casey said the diameter is 8"-12".

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0 to write Orders of Conditions for SE18-1845.

PUBLIC HEARING; TOWN OF DUXBURY; 170 CHURCH STREET; DEMOLISH HOSUE AND 3 SHEDS

SE18-1844

Joe Grady described the project which is to tear down the house and sheds and a garage on the Williams property that was purchased by the Town for Conservation land. The area will be cleaned up and planted with grass.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0 to write Orders of Conditions for SE18-1844.

ADMINISTRATIVE MATTERS

Housing Trust Land Donation deed signatures

Joe Grady explained that the Duxbury Affordable Housing Trust wants to donate a 1 acre parcel of land to the Conservation Commission. In the past, Joe Grady has not recommended accepting smaller parcels, but with the Board of Health changes to the septic regulations allowing mounded septic systems, land that was previously considered unbuildable is now being developed. This lot is on Summer Street; signing the deed ratifies what Town Meeting has already approved.

Corey Wisneski made a motion to accept the parcel of land on Summer Street being donated from the Affordable Housing Trust. The motion was seconded by Scott Zoltowski and approved by a vote of 6-0.

Conservation Fund requests

Joe Grady is requesting \$3500 for management of the Jaycox Christmas Tree farm. This usually pays for itself through the sale of trees, but 2 years ago over 2000 trees were lost so many fewer trees are being sold until the new seedlings mature.

Sam Butcher made a motion to approve the expenditure of up to \$3,500 from the Conservation Fund to pay Benjamin Forestry Services for Jaycox Tree Farm services. The motion was seconded by Holly Morris and approved by a vote of 6-0.

Bench at O'Brien Bog

The family of Bob Walsh has requested a bench be located in his memory on Conservation Land. Bob worked with Joe Grady managing Conservation land for a long time. Joe Grady is recommending a location next to the O'Brien bog, because of a CR on the property permission from the Conservation Commission and from Wildlands Trust is required to locate the bench in this location.

On a motion by Corey Wisneski, seconded by Holly Morris, it was voted 6-0 to approve the location for a bench at the O'Brien bog.

Adjournment: On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 6-0 to adjourn the meeting at 8:20 pm.

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1841; SE18-1770; SE18-1836; SE18-1828; SE18-1829; SE18-1843; SE18-1845; SE18-1844;

RDA Applications for 453 Washington Street