



# Town of Duxbury Conservation Commission

Approved January 7, 2020

TOWN CLERK

2020 JAN 23 PM 2:51

DUXBURY, MASS.

## Minutes of December 17, 2019

The Duxbury Conservation Commission met on Tuesday, December 17, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Corey Wisneski; Robb D'Ambruoso; Sam Butcher; Tom Gill; Mickey McGonagle

**Members Absent:** Holly Morris; Scott Zoltowski

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

The meeting was called to order at 7:02 pm

### **PRESENTATION: EAGLE SCOUT PROJECT**

Joe Grady said that Scout Nick LaLond approached him a few months ago about an Eagle Scout project. There is a boardwalk on the Camp Wing trails that needed to be reconstructed and they decided on that for the project.

Nick LaLond explained that he removed the old rotted material, added extra supports, and rebuilt the boardwalk. It was hazardous for walkers and is safer now. He coordinated with 8 volunteers to do the project. The Commission expressed their thanks for the excellent work done on rebuilding the boardwalk.

### **PUBLIC HEARING; 230 MARSHALL STREET; DUXBURY CONSTRUCTION LLC; SEAWALL & BEACH NOURISHMENT SE18-1891**

Freeman Boynton III, known as Bo Boynton, described the project. Mr. Boynton said the property owner's goal is to protect the pond, and they understand a consultant may be hired and are receptive to creative approaches to protect the pond. Joe Grady said that this is a freshwater pond with a beach that separates it from the Bay. Riprap walls to the north and south have resulted in a change of the grade of the beach, and the property owners have done beach nourishment and plantings and constructed a drift fence for protection.

Joe Grady said it is an interesting site, and he recommends hiring Wetland Strategies Inc. as the Commission's peer reviewer. The questions are whether the project meets the regulations and the resource areas need to be identified. Sam Butcher said the proposed construction of the wall seems to be construction in a resource area unless this area isn't a resource area. Joe Grady said that Brad Holmes indicated in his report that it is a coastal bank; Joe Grady thinks the geology of the area needs to be examined.

Sam Butcher asked what the current interaction is between the pond and the bay; Joe Grady said maybe it is a salt pond. Bo Boynton said it is a freshwater pond with fresh water fish, after storms with overwash there are fish kills. The Commission questioned the source of the fish and

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5471; Fax: 781-934-1137

whether the pond is stocked. Tom Gill asked how the pond is fed with water, Joe Grady said it may be spring fed.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 5-0 to hire Lenore White and Wetland Strategies Inc. as the Commission's consultant based on the 12/9/19 proposal letter for \$1500.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 5-0 to continue the hearing for SE18-1891 until January 7 at 7:15 pm.

**PRESENTATION: LANDING ROAD WATER QUALITY; MAGGIE KEARNEY**

Maggie Kearney, a University of Vermont sophomore, is doing this presentation as part of her coursework requirements. She said there is a pattern at Landing Road Beach where in July swimming is prohibited because of water quality issues. Climate change contributes because bacteria thrive in warmer water, and there are more storms. She recommended consideration of green infrastructure or improving the sewage system. Joe Grady said a lot of work has been done in the Bay Road area with a shared septic system, so the primary sources of septic pollution have been eliminated. There is a stormwater system that infiltrates the first inch of rainfall events which tends to be the most polluted. Therefore the probable source of contamination is sheet flow from land use around the site. A shoreline survey to identify pipes and land use issues might be helpful in understanding the sources of pollution to this beach.

**PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 272 ELM STREET; CAVE & FILL 4 CESSPOOLS, GRADE, AND LANDSCAPE**

Bo Boynton said a new septic system is being installed at this property outside the buffer zone and they want to cave and fill the 4 existing cesspools.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 5-0 to issue a Negative Determination for the cesspool caving at 272 Elm Street such that no Notice of Intent is required for the work.

**PRESENTATION: SIDEWALK & BIKE PATH COMMITTEE; CONNECTING GREENWAY**

Tom Nee and Steve Marshall from the Sidewalk & Bike Path Committee did a presentation about a cross town path they want to implement that will use existing pathways. They are before the Commission tonight to introduce the concept and get feedback. They said they would mark the path across the Town and the Boy Scouts would help. They understand the Commission has concerns about overuse and they are not proposing any trail improvements at this time. Sam Butcher asked if there is any demand for the trail, and asked if there was any plan to do widening or flattening of the trail. Mr. Nee said they want to provide the opportunity for people to walk instead of drive places, and they have no plans to do any improvement. Joe Grady said most people like to walk loop trails, not point to point trails. Sam Butcher said that it is important to be mindful that this is Conservation land, and that the priority issue is the need for sidewalks, not paths in the woods. Robb D'Ambruoso said this seems to be a path to nowhere, people are unlikely to use it to walk across Town. Tom Nee said they are introducing the concept and hope to have further discussions about the path.

**CONTINUED PUBLIC HEARING; HUSK; 160 MARSHALL STREET; PIER REPAIR  
SE18-1890**

Mr. Husk has sent an email saying he will again be unable to attend because of a snowstorm in New Hampshire where he lives. Joe Grady reviewed the situation; Mr. Husk rebuilt a pier without any permits; and Enforcement Order was issued requiring him to file a Notice of Intent. It appears that he replaced 21 pilings and seems to be rebuilt to the original structure. There is some trampling of the marsh next to the pier.

Joe Grady said that the plan Mr. Husk submitted with his NOI is from an old Chapter 91 license application and it does not have enough detail. Robb D'Ambruoso pointed out that based on pictures of the pier the deck was not built with the spacing that is now required by the Commission. Joe Grady said the salt marsh damage should be monitored, and if it does not recover then some remediation might be required.

Robb D'Ambruoso made a motion to require the applicant to submit a stamped As-built plan of the pier 10 days prior to the January 21 Commission meeting. The motion was seconded by Mickey McGonagle and approved by a vote of 5-0.

The motion was amended on a motion by Tom Gill to require the plan 7 days before the next meeting (the normal deadline for all applicants), and to continue the hearing until January 21 at 7:05 pm. The motion was seconded by Sam Butcher and approved by a vote of 5-0.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 0 HORNBEAM ROAD;  
BEACH NOURISHMENT  
SE18-18892**

Bo Boynton said the approach to this project has changed. They had proposed beach nourishment originally but the new approach is to remove the broken concrete stairs and replace them with dryset seawall granite stairs and remove the broken concrete and reset it.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0 to write Orders of Conditions for SE18-1892, 0 Hornbeam Road.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 661 WASHINGTON  
STREET; RETAINING WALL  
SE18-1885**

Bo Boynton said the existing wood seawall at this site is in disrepair and working with Joe they have modified their approach to this project. They will pull the wall back 3 feet in the rear where the salt marsh has moved beyond the location of the older wall; the old wall will be left in place. The grade of the lawn will be raised. Joe Grady said on the side, the grade is higher than the marsh, there are some marsh plants but it is less than 50% marsh plants, and there is no evidence of monthly high tides reaching this area. Bo said along the side they will raise the wall and fill behind it in its current location. There will be a 5' buffer strip of native coastal vegetation on the side of the yard. Joe Grady said the movement of the marsh is an example of sea level rise.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 5-0 to write Orders of Conditions for SE18-1885, 661 Washington Street.

## **ADMINISTRATIVE MATTERS**

### **Minutes:**

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 4-0 to approve the minutes of **November 19, 2019** as written.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 4-0 to approve the Executive Session minutes of **November 19, 2019** as written but not to release them to the public.

### **Certificates of Compliance:**

**SE18-1636, 48 Grand View Ave:** Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1636. On a motion by Sam Butcher, seconded by Tom Gill, it was voted 4-0 to issue Certificates of Compliance for SE18-1636, 48 Grand View Ave.

**SE18-1230, 20 Lake Shore Drive:** Joe Grady reported that there are some issues with this project. The deck for which the Orders of Conditions were issued (in response to an Enforcement Order) is larger than was permitted, and a second deck has been constructed on the property. Joe Grady met with the contractor and he plans to reduce the size of the deck that was permitted but is too large and he will remove the other deck. Once a drawing showing these dimensions is received, Joe Grady will inspect the property. The property owner is not the person who built the decks, it was the previous owner, and the property is now set to be sold at the end of the month. Joe Grady recommends the Commission vote to issue Certificates of Compliance with the requirement that the required deck work be verified before the Certificates of Compliance are issued. On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 4-0 to issue Certificates of Compliance for SE18-1230, 20 Lake Shore Drive, contingent on the required work being completed to bring the project into compliance with the Orders of Conditions.

### **Conservation Fund Expenditure**

Joe Grady is asking for money from the Conservation Fund for gravel for Old Cordwood Path. The Conservation Commission owns a lot of land along this private road that is maintained by private citizens. The road is in need of gravel and Joe recommends purchasing some gravel to be spread by residents.

Sam Butcher made a motion to approve the expenditure of up to \$1,400 from the Conservation Fund to pay T.L. Edwards for dense processed gravel for Old Cordwood Path. The motion was seconded by Tom Gill and approved by a vote of 4-0.

### **Discussion: Conservation land use guidelines**

Mickey McGonagle said that he asked for this to be on the Agenda; that 2 meetings ago there was discussion about requested use of Conservation Land. He obtained guidelines from Marshfield, Brookline, and Hanson and suggest the Commission look at these for further consideration. Robb D'Ambruoso advised against language saying things are allowed with permission, and suggested the Commission just reserve their rights to allow things in general. Joe Grady said the Commission has its own Rules and

Regulations and suggested those be distributed to the Commission and then this can be discussed further if the Commissioners recommend changes.

**Executive Session:** Sam Butcher made a motion to go into Executive Session to consider the taking, purchase, exchange, lease or value of real property, as such discussion in an open meeting may have a detrimental effect on the negotiating position of this Commission, and to reconvene in open session at the conclusion of the Executive Session in accordance with MGL C.30A, section 21. The motion was seconded by Robb D'Ambruoso, and the roll call vote was: Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Corey Wisneski, yes.

**Adjournment:** On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0 to adjourn the meeting at 8:43 pm.

**MATERIALS REVIEWED AT THE MEETING**

NOI Materials for SE18-1890; SE18-1891; SE18-1892; SE18-1885

RDA Materials for 272 Elm Street

PowerPoint handout of Sidewalk & Bike Path Committee