



TOWN CLERK  
Town of Duxbury 2018 AUG 22 PM 2: 27  
DUXBURY, MASS.  
**Conservation Commission**

**Minutes of February 6, 2018**

The Conservation Commission met on Tuesday, February 6, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Corey Wisneski, Chair; 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 MEETING; JANNETTY; 156 MARSHALL STREET; PIER/GANGWAY REPAIR**

Commissioner Robb D'Ambruoso explained that he is involved in a transaction at this property representing the property owners and so is recusing himself from the Public Meeting for this project.

Jonathan Mark, representing the property owner, explained that in the January 5 storm, ice in the bay crushed sections of the pier at this property; one 24' long section and one 36' long section. There was no damage to the pilings. The repair work will include the replacement and/or repair of some joists. The materials and construction will be the same as for the pier when it was originally built.

Joe Grady said this is the first project of many that will come before the Commission with similar issues. If the repairs are for damage done in the storms and there are no changes to the structure or configuration, he recommends a Negative Determination be issued for the project.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to issue a Negative Determination for the gangway repair at 156 Marshall Street such that not Notice of Intent is required for this work.

**PUBLIC MEETING; DUXBURY DPW; 0 MAYFLOWER AVE; REVETMENT REPAIR**

This is for work at the Myles Standish Cellar Hole. Joe Grady explained that he filed this on behalf of the DPW. The Homestead site experienced damage during the recent storms, and some areas of riprap were overtopped and there was erosion behind the riprap. The intent is to add fill and filter fabric and 1-2 layers of rocks to raise the structure. This is a loose rubble wall. Holly Morris asked how the rock will be brought in, Joe Grady said it will be brought in from the upland side, not the beach.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0-0 to issue a Negative Determination such that no Notice of Intent is required for the project at 0 Mayflower Ave.

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**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 170 MARSHALL STREET; BEACH NOURISHMENT**

**SE18-1797**

Freeman Boynton, Jr. requested a continuance on this project.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0-0 to continue the hearing for SE18-1797 until February 27 at 7:08 pm.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 298 POWDER POINT AVE; SEAWALL, BEACH NOURISHMENT, COASTAL BANK STABILIZATION**

**SE18-1797**

Freeman Boynton Jr. asked that the hearing be continued until February 27.

Joe Grady said there is no signature on the notice of Intent and Town Counsel has advised it must be signed; Mr. Chase is able to sign it for the wall and proposed work because he has an easement for such work. He further suggested that the Commission hire a peer reviewer for the technical issues associated with the project; he recommended Stan Humphries of LEC who the Commission has used in the past for coastal bank issues. He will request a cost proposal from Mr. Humphries.

Freeman Boynton said that Mr. Chase will sign the Notice of Intent. The Langeland's attorney identified some deficiencies in the Notice of Intent that Mr. Boynton also will address. Gene Guimond, attorney for the Langeland's, said the Commission does not need to interpret or determine the property rights issues, but they do want an evaluation of the damage to the Langeland's property and so supports the hiring of a consultant.

Mr. Chase came forward and signed the NOI and changed the applicant on the Notice of Intent to his name.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, the hearing for SE18-1797, 298 Powder Point Ave, was continued until February 27 at 7:10 p.m.

**DISCUSSION: Mounded Septic Systems for New Construction**

Joe Grady reviewed the background which is the Board of Health a few years ago held a hearing and amended the local septic regulations to allow for mounded septic systems. This allowed for marginal land to be developed for new construction. There are concerns that the new regulations aren't working; the systems are allowed with engineered drainage but there are no permanent easements or documentation for the drainage areas. Some homeowners don't like the depression in their front yard which is for drainage and fill them in, they don't know that it is required that they be maintained. There is no requirement that the detention systems be maintained in perpetuity. The regulations require that if a deck or addition to the house is made, the drainage calculations need to be redone and could result in a change to the drainage, but this is not trackable. If public awareness of these issues was greater, perhaps the situation could be addressed. Some towns require a 5 acre minimum lot size for mounded systems as an example. The Commissioners agreed that the mounded septic system regulations need to be reviewed. Joe Grady will draft a letter to the Board of Health with their concerns and ask for time on their agenda. Corey Wisneski suggested they plan to meet with the Board of Health in March.

## **ADMINISTRATIVE MATTERS**

### **CERTIFICATES OF COMPLIANCE:**

**SE18-1715; 0 Keene Street (Keene's Mill Dam):** Joe Grady reported that this project is complete and complies with the Orders of Conditions and he recommends Certificates of Compliance for this project. On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1715, 0 Keene Street.

**SE18-1689; 240 Harrison Street:** Joe Grady reported that this project is complete, all required documentation has been received, and it complies with the Orders of Conditions and he recommends Certificates of Compliance for this project. On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1689, 240 Harrison Street.

**SE18-1282; 170 Lake Shore Drive; Duplicate Originals:** Signature sheets have been provided; these Certificates of Compliance have been previously been voted and issued but the applicant lost the originals and has requested duplicate originals for recording at the Registry of Deeds.

**EXTENSION ORDERS: SE18-1459; Town-wide drainage maintenance:** Joe Grady reported that these Orders are for maintenance of drainage systems and it is common for Departments of Public Works to have Orders such as these that allows them to be in compliance and do work, such as catch basin repairs, without having to file each time. On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 6-0-0 to issue Extension Orders for SE18-1459 for three years.

**UPDATE: SE18-1653, 685 Washington Street; McLaughlin** Chair Corey Wisneski announced that this discussion is going to be held in Executive Session. Attorney Paul Driscoll asked if there will be any announcements made at the close of the Executive Session and Chairman Wisneski said no.

## **EXECUTIVE SESSION**

Robb D'Ambruoso made the following motion: To go into Executive Session to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of this Commission; and to reconvene in open session at the conclusion of the Executive Session in accordance with Mass. General laws Chapter 30A, Section 21. The motion was seconded by Corey Wisneski. Roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes.

**Adjournment:** On a motion by Robb D'Ambruoso, seconded by Sam Butcher, it was voted 7-0-0 to adjourn the meeting at 7:55 pm.

## **MATERIALS REVIEWED AT THE MEETING**

NOI materials for SE18-1797; SE18-1798  
RDA Materials for 156 Marshall Street; 0 Mayflower Ave