



Town of Duxbury Conservation Commission

Minutes of February 12, 2019

The Conservation Commission met on Tuesday, February 12, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Robb D'Ambruoso, Vice Chair; Sam Butcher; Holly Morris; Tom Gill; Scott Zoltowski

Members Absent: Corey Wisneski; Mickey McGonagle

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

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

PRESENTATION: SOUTH RIVER LANE RESIDENTS REGARDING CITIZENS PETITION TO TRANSFER TOWN-OWNED LAND ACQUIRED BY TAX TITLE TO THE CONSERVATION COMMISSION

Chris Campbell, Alex Chin, and Brian Campbell were present to address the Commission. They have put an article on the Town Meeting Warrant by citizen's petition to transfer 4 lots on South River Lane East to the Conservation Commission. The lots were taken by tax title in 2003 and the residents want to ensure that they are not developed. There are already a lot of water issues in the neighborhood and they believe developing these lots would create further issues. Joe Grady said these lots were undevelopable until the Board of Health changed the septic regulations; the neighborhood fears the mounded systems and fill needed for homes will cause additional drainage issues.

The residents have already been to the Board of Selectmen and the Finance Committee and both have endorsed the article; the residents are now seeking Conservation Commission support.

Sam Butcher made a motion to support the transfer of town-owned land taken by tax title on South River Lane to the Conservation Commission. The motion was seconded by Tom Gill and approved by a vote of 5-0.

ENFORCEMENT; 98 HARRISON STREET; SE18-1796

Robb D'Ambruoso said that since this was last discussed, there has been a site visit by the Commission and some supplemental materials have been received by the Commission. The applicant and his representative were unable to attend tonight's meeting.

Joe Grady said that the latest revised restoration plan was received on the deadline for this meeting which left no time to get it to the Commission's consultant for review. Additionally, more funding for the consultant was requested and there was some pushback from the applicant, but the applicant did bring in a check for the additional review.

Scott Zoltowski said that he finds this to be an egregious situation and he feels the Commission may need to consider assessing fines. Robb D'Ambruoso added that the applicant is not getting the documents requested by the Commission to the Commission; for example the Commission asked for a separate plan showing what was cut down, including size, species, and location, but on the latest plan that still isn't clear. He wants to see one plan showing what was removed and a second plan showing what is proposed. Tom Gill concurred that 2 separate plans are needed. Scott Zoltowski added that the original house construction project included mitigation and that is confusing things, the plan needs to clearly indicate the original mitigation area and comply with what was required there.

Robb D'Ambruoso said he would support the idea of fines if a remediation plan is not completed by the time the growing season begins. Holy Morris said their proposal is to take out all the cut brush but the Commission previously recommended leaving it in place for wildlife habitat.

This discussion will be put on the next Agenda at 7:55 pm.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 331 BAY ROAD; PORCH ADDITION SE18-1849

Freeman Boynton, Jr. described the project which is to add a screened porch which will be 35' from the edge of the coastal bank. Buffer Zone coverage will be 13.7% and the porch will be on piers. Robb D'Ambruoso asked if there will be any change in grade and Mr. Boynton said no. Sam Butcher advised caution if stairs are added because the coverage is getting close to the maximum allowed.

On a motion by Sam Butcher, seconded by Tom Gill, the Commission voted 5-0 to write Orders of Conditions for SE18-1849, 331 Bay Road.

PUBLIC MEETING; DANNER, TRUSTEE; 32 LIDNEN LANE; SEAWALL REPAIR

This will be discussed together with the Public Meeting for 33 Linden Lane below.

PUBLIC MEETING; HUDACKO, TRUSTEE; 33 LINDEN LANE; SEAWALL REPAIR

Chris Phillips described the projects. The existing walls are not adequate for the tides. There is a lot of vegetation present including mature trees and the applicants do not want to remove the vegetation. The tides are coming over the walls and eroding behind the rocks. There is a sandy area where the work can be done between the marsh and the wall. Scott Zoltowski asked how an excavator will get to the site; Mr. Phillips said a fence will be removed for access, the rocks will be dumped on the lawn and thrown onto the beach, and a smaller machine will be used to put the rocks on the wall. Robb D'Ambruoso asked if these neighbors are aware of each other's projects and OK with the work; Chris Phillips said they absolutely are in agreement about the work.

Sam Butcher made a motion to issue a Negative Determination such that no Notice of Intent is required for the seawall repair at 32 Linden Lane. The motion was seconded by Tom Gill and approved by a vote of 5-0.

Sam Butcher made a motion to issue a Negative Determination such that no Notice of Intent is required for the seawall repair at 33 Linden Lane. The motion was seconded by Holly Morris and approved by a vote of 5-0.

DUXBURY BEACH RESERVATION: PROJECT PROPOSALS FOR 2019

SE18-1198

Because of the inclement weather the Beach Reservation requested that they do this presentation at the Commission's next meeting because they are unable to attend tonight's meeting.

PUBLIC HEARING; ARCHIA HOMES; 13 LEWIS COURT; SINGLE FAMILY HOOME

SE18-1852

Peter Stames of Archia Homes presented the project which is to tear down an existing cottage and rebuild a home within the same footprint on pilings. The brick patio is being removed. Joe Grady said this is a barrier beach and an AO flood zone, and the foundation plan for this project has been provided. No expansion in living space is allowed. Sam Butcher asked about storage under the house, Mr. Stames said the front part will be a parking area and the back part will be used for storage.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0 to write Orders of Conditions for SE18-1852, 13 Lewis Court.

ADMINISTRATIVE MATTERS

Minutes for Approval:

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to approve the minutes of **October 16, 2018**.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to approve the minutes of **October 30, 2018**.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to approve the minutes of **November 13, 2018**.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to approve the minutes of **December 4, 2018**.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to approve the minutes of **December 18, 2018**.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to approve the minutes of **January 8, 2018**.

Certificate of Compliance

SE18-1657; 331 Bay Road: 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 SE18-1657. On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to issue Certificates of Compliance for SE18-1657, 331 Bay Road.

Adjournment: On a motion by Tom Gill, seconded by Holly Morris, it was voted 5-0 to adjourn the meeting at 7:52 pm.

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Approved February 26, 2019

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1849; SE18-1852

RDA Materials for 32 & 33 Linden Lane

Materials related to Enforcement at 98 Harrison Street

Draft minutes of 10/16/18; 10/30/18; 11/13/18; 12/4/18; 12/18/18; 1/8/19