



Town of Duxbury Conservation Commission

Approved March 19, 2019

TOWN CLERK

2019 MAY -2 AM 9:07

DUXBURY, MASS.

Minutes of February 26, 2019

The Conservation Commission met on Tuesday, February 26, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Corey Wisneski, Chair; Sam Butcher; Mickey McGonagle; Holly Morris; Tom Gill; Scott Zoltowski

Members Absent: Robb D'Ambruoso

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

The meeting was called to order at 7:04 pm.

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

Paul Brogna, the applicant's representative, has requested that this hearing be continued. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to continue the hearing for SE18-1836 until March 19 at 7:05 pm.

PUBLIC HEARING; HOROWITZ AND SINGER; 73 WASHINGTON STREET; SEAWALL REPAIR SE18-1854

Paul Brogna of Seacoast Engineering explained that on January 8, the Commission voted to approve Orders of Conditions for a seawall repair at 43 Wadsworth Road and at the end of that wall there is about 12 more feet of wall that is on the parcel that is 73 Washington Street. An NOI for 73 Washington Street was required to be filed by the Commission, so this project is to seek approval for the 12' of wall on this lot but it will be a continuous wall with 43 Wadsworth Road. Scott Zoltowski asked if all the involved landowners are in favor of the project, and Mr. Brogna said that they are all in accordance.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0 to write Orders of Conditions for SE18-1854, 73 Washington Street.

DISCUSSION REGARDING CERTIFICATE OF COMPLIANCE; 95 HORNBEAM ROAD SE18-1474

Paul Brogna of Seacoast Engineering explained the situation. In 2008, after filing with the Conservation Commission, Orders of Conditions were issued for a seawall project and in about 2009 a wall was installed. The property is now for sale, and in preparing the As-built plan in order to apply for a Certificate of Compliance, it was discovered that the wall was not built in compliance with the Orders of Conditions. The owners are willing to take corrective action, but Orders of Conditions will be needed to rebuild the wall in compliance with the original Orders.

There is a Purchase & Sale agreement for the house, and Freeman Boynton and attorney Chris Sherwood represent the buyer who wants to file to tear down and rebuild the house and wall. The rebuilt wall will be in compliance. Mr. Brogna is asking the Commission for guidance about whether the Commission will accept a NOI to do work on the property while the original wall is not in compliance.

Mr. Sherwood said the buyer is willing to do restorative work and file for the new work and the new house in one filing. Freeman Boynton said the new project will remove the existing pool that is beyond the edge of the resource line, remove a nonconforming patio, move the house further from the resource area, and pull the seawall back to where it was supposed to be and then they will re-establish the coastal bank and beach. At the end they will seek a Certificate of Compliance for the 2008 project and for the new project.

The Commission's consensus was that no action is necessary by the Commission in this matter.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 353 TEMPLE STREET; SINGLE FAMILY HOME

SE18-1851

Freeman Boynton Jr. of Duxbury Construction described the project which is to build a single family home. There will be no clearing within the 25' buffer; the barn will be 53.5' from the wetlands and the house 80' from the wetlands. The septic system leaching field is outside the 150' buffer.

Joe Grady said he walked the wetlands line and it is accurate and the project meets the Commission's Rules & Regulations for setbacks and coverage. Sam Butcher asked about stormwater runoff, particularly for the driveway, and Mr. Boynton said if some subsurface drainage is desired, that can be added.

On a motion by Holly Morris, seconded by Scott Zoltowski, it was voted 6-0 to write Orders of Conditions for SE18-1851, 353 Temple Street, to include subsurface drainage of the barn and house roofs.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 355 TEMPLE STREET; SINGLE FAMILY HOME

SE18-1850

Freeman Boynton Jr. of Duxbury Construction described the project which is a single family home. The wetlands on the property were delineated by Brad Holmes. There is a brook along the property that is a perennial stream, but no work is proposed within the 200' riparian zone. There will be a driveway, garage, house, and deck on piers. Coverage will be 8%. There will be grading on the uphill side of the house outside of the 25' buffer.

Joe Grady said he walked the wetlands line and it is accurate and the project meets the Commission's Rules & Regulations for setbacks and coverage.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to write Orders of Conditions for SE18-1850, 355 Temple Street.

PUBLIC MEETING; DUXBURY YACHT CLUB; 235 HARRISON STREET; POND MAINTENANCE

Peter Lanman of the Duxbury Yacht Club described the project which is to do maintenance on about 4 creeks or streams and 5 ponds. These provide drainage and are full of leaf debris, they want to clean out the organic matter to keep the water flowing.

On a motion by Corey Wisneski, seconded by Tom Gill, the Commission voted a Negative Determination by a vote of 6-0 such that no Notice of Intent is required for the work to be done at the Duxbury Yacht Club.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 283 KING CAESAR ROAD; PIER SE18-1853

Joe Grady recommends the Commission hire a peer reviewer for this pier project. He has solicited a proposal from BETA and the price proposal is \$2300. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to engage the services of BETA to review the pier project at 283 King Caesar Road. The hearing will be continued so the peer review can be completed.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to continue the hearing for SE18-1853, 283 King Caesar Road, until March 19, 2019 at 7:10 pm.

PUBLIC HEARING; SEALUND CORPORATION; PADDOCK CIRCLE; GRADING, UTILITIES, LANDSCAPING SE18-1855

Mark Casey of South Shore Survey described the project. He noted that the NOI submitted for the project was for Lots A, B, and C as well as for work at 142 Alden Street, but based on advice from Joe Grady, this NOI will focus on Lots A, B, and C and the work at 142 Alden Street will be a separate filing.

A small section of the driveway is within the 100' buffer, there will be grading at the edge of the cul-de-sac, there is currently grass there now and it will be replanted. The work is 60' from the wetlands at its closest point. Joe Grady said the wetlands lines at this site were approved in an ORAD, and the proposed work within the buffer zone is minimal. Sam Butcher asked if this was the final grading plan and Mr. Casey said it was. Dennis Oberholzer of 22 Strawberry Lane asked if there have been any changes since the developer walked through the project area with the neighbors and Mr. Casey said no.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0 to write Orders of Conditions for SE18-1855, Paddock Circle.

PUBLIC HEARING; BOLZE; 262 MARSHALL STREET; POOL, PATIO, LANDSCAPING SE18-1856

Brendan Sullivan of Cavanaro Consulting and Colin Hand of A Blade of Grass presented the project. The house is outside of the 100' buffer. They want to build a pool and patio and do landscaping; the site coverage in the buffer zone will be 6.2%. No structures will be within the 50' buffer but there will be some grading within 50'. Holly Morris asked about the vegetation at the top of the Coastal Bank and Mr. Hand said they are not doing any work or changing the

vegetation at the top of the Coastal Bank, they are only landscaping near the pool and along the sides of the property.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0 to write Orders of Conditions for SE18-1856, 262 Marshall Street.

DUXBURY BEACH RESERVATION; PROJECT PROPOSALS FOR 2019; SE18-1198

Joe Grady recused himself from this discussion.

Brynna McGlathery of the Duxbury Beach Reservation reviewed the 2019 project proposals; there are 14 annual maintenance projects and 12 new projects outlined in the Project Proposal document provided to the Commission. Project #17 is the dune restoration project underway that was brought before the Commission for approval earlier. Sam Butcher commented that the materials that were provided are clear and very well done.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to accept the Project Proposals from the Duxbury Beach Reservation.

ENFORCEMENT; 98 HARRISON STREET

The applicant has asked for more time to reply to the latest comment letter from the Commission's consultant. Joe Grady reiterated that the Commission has asked for clearer plans, one that shows existing conditions and one that shows the proposed restoration plantings. Scott Zoltowski said the concept of implementing fines if this doesn't move forward productively should be discussed with the applicant. The planting season is very close, and Scott Zoltowski is concerned about any precedent being established by the Commission waiting this long for a restoration project to begin. The Commission agreed a letter should be sent, mentioning the fines and giving a deadline for response after which fines will be imposed. Joe Grady said he will write a letter that states this will be on the March 19 Agenda, the deadline for response is March 3 so BETA has time to do a review, and that the commission is prepared to levy fines if the submissions aren't received in time. Failure to comply can result in fines of up to \$300 per day.

ADMINISTRATIVE MATTERS

Minutes for Approval:

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0 to approve the minutes of **February 12, 2019**.

Adjournment: On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0 to adjourn the meeting at 8:25 pm.

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1854; SE18-1851; SE18-1850; SE18-1853; SE18-1855; SE18-1854
RDA Materials for 235 Harrison Street
Draft minutes of 2/12/2019