

Approved May 14, 2019



Town of Duxbury Conservation Commission

TOWN CLERK
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DUXBURY, MASS

Minutes of April 9, 2019

The Conservation Commission met on Tuesday, April 9, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Robb D'Ambruoso, Vice-Chair; Sam Butcher; Mickey McGonagle; Holly Morris

Members Absent: Tom Gill; Corey Wisneski; Scott Zoltowski

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

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

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 151 KING CAESAR ROAD; SEAWALL REPAIR SE18-1860

Freeman Boynton of Duxbury Construction described the project which is to repair an existing vertical stone block and mortar seawall. The beach has eroded and the bottom of the wall has been undermined and parts of the wall have fallen down. They will remove the rubble, rebuild a slope stone seawall, add steps for beach access, raise the grade of the yard to the height of the top of the wall along its entire length, and do mortar work on the rest of the existing wall.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0 to write Orders of Conditions for SE18-1860, 151 King Caesar Road.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 156 MARSHALL STREET; SEAWALL SE18-1861

Robb D'Ambruoso stated that he represents the buyers of this property and so is recusing himself from this hearing. This leaves the Commission without a quorum for this hearing, so the hearing will be continued without any discussion. Holly Morris said she thought a site visit would be useful, and Joe Grady said he would schedule a site visit for the Commissioners.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 4-0 to continue the hearing for SE18-1861, 156 Marshall Street until april 23 at 7:20 pm.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 170 MARSHALL STREET; SEAWALL EXTENSION SE18-1862

Freeman Boynton Jr. of Duxbury Construction described the project. There is an existing seawall and they are proposing to install 2 sets of stairs and continue the wall to the neighboring property. There is an 8' wide Right of Way and in that section they will create a granite block ramp, then beyond the ramp to the edge of the property will be approximately 5-6' of new seawall that will tie into the seawall at 156 Marshall Street.

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

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0 to write Orders of Conditions for SE18-1862, 170 Marshall Street.

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

The applicant has asked that this hearing be continued.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 4-0 to continue the hearing for SE18-1836 until April 23 at 7:25 pm.

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

The applicant has asked that this hearing be continued.

On a motion by Sam Butcher, seconded by Mickey McGonagle, the hearing for SE18-1853 was continued until April 23 at 7:30 pm by a vote of 4-0.

ENFORCEMENT: 98 HARRISON STREET

Kevin Grady of Grady Engineering and A.J. Reilly, the property owner, were present to discuss this Enforcement Action. Joe Grady said that revised plans have been received and reviewed by BETA, the Commission's consultant. Using BETA's comments as well as his own, a document was put together with draft conditions so it is clear to everyone, including contractors who will work on the project, what is required. Beyond what is included on the document there is one other issue, the Limit of Work line, that needs to be addressed.

Kevin Grady said they have no major issues with the proposed conditions except for two items. They would like to change the required annual report from September 1 to October because September is a major growing month. Joe Grady said that once the leaves fall off it is not possible to tell what plants are dead or alive. After discussion, it was agreed to change the required reporting date to September 22 of each year that reporting is required.

Kevin Grady said the required 1' x 1' square signs seem quite large, they hoped 4" x 4" or 6" x 6" would be sufficient. After discussion it was agreed to change the requirement to 8" x 8".

Joe Grady addressed the limit of work (LOW) line. It was shown on the plan as tight to the house and the Orders stated that no work could take place beyond the LOW line. Kevin Grady said the intention was for the area beyond the LOW line to be lawn up to the original tree line. The LOW line was not intended to be a limit of all work.

Joe Grady added that the driveway also extended beyond the LOW line. He suggested that the applicant provide a letter to the Commission requesting that they be allowed to plant lawn to the fence line and that the driveway be allowed to extend to where it currently is located.

On a motion by Sam Butcher, it was voted to accept the proposed remediation plan for 98 Harrison Street with the conditions and plans specified in the "Conditions for Enforcement Order (98 Harrison Street)" document listed above with the changes agreed upon for the date of annual reporting being September 22 and with 8" x 8" signs posted on the fence. The motion was seconded by Mickey McGonagle and approved by a vote of 4-0.

ADMINISTRATIVE MATTERS

Minutes for Approval:

There are no minutes ready for approval.

Certificates of Compliance:

SE18-1844, 12 Sawmill Road: Joe Grady reported that more information is necessary before he can recommend Certificates of Compliance for this project.

Conservation Fund Expenditure: Green Harbor Path Signs

Joe Grady explained that these are signs for the Green Harbor Path which is an ancient Native American path. The request is for \$3000 for design and printing of the signs.

Sam Butcher made the following motion: To approve the expenditure of up to \$3,000 from the Conservation Fund to pay Norman R. Forgit to design and/or to pay Pannier to produce and mount the signs for the Green Harbor Path Sign Project. The motion was seconded by Robb D'Ambruoso and approved by a vote of 4-0.

Right of First Refusal, Chapter Land: 1065 Summer Street

Joe Grady explained that the Town has the Right of First Refusal (ROFR) to match a Purchase & Sales agreement for land being taken out of Chapter. This land does not fit into the Open Space acquisition plans.

Sam Butcher made the following motion: The Conservation Commission recommends to the Board of Selectmen that they do not exercise the Right of First Refusal for open space purposes for the land at 1065 Summer Street as described in a letter dated March 29, 2019 from Walter B. Sullivan titled 'Notice of Intent to Sell Land under MGL C. 61A Sec. 14; Property Address: 1065 Summer Street, Duxbury, MA; Owner: Ducks Berry LLC; Assessor's Parcel No. 004-013-000.' The motion was seconded by Mickey McGonagle and approved by a vote of 4-0.

Adjournment: On a motion by Mickey McGonagle, seconded by Sam Butcher, it was voted 4-0 to adjourn the meeting at 7:35 pm.

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1860; SE18-1861; SE18-1862;
Materials for Enforcement Action at 98 Harrison Street