



TOWN CLERK
2018 AUG 22 PM 2:28
DUXBURY, MASS.

Town of Duxbury Conservation Commission

Minutes of April 10, 2018

The Conservation Commission met on Tuesday, April 10, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Corey Wisneski, Chair; Tom Gill, Vice-chair; Sam Butcher; Robb D'Ambruoso; Mickey McGonagle; Holly Morris

Members Absent: Scott Zoltowski

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

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

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 160 POWDER POINT AVE; PIER REPAIR

Freeman Boynton Jr. of Duxbury Construction LLC presented the project which is to replace 2 timber pilings and rebuild a storm-damaged pier to its original specifications with no changes.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to issue a Negative Determination such that no Notice of Intent is required for the project at 160 Powder Point Ave.

PUBLIC MEETING; BAKER; 42 PLUMFIELD LANE; PIER REPAIR

This project is to repair a storm-damaged pier by replacing 2 pilings manually and use x-braces to straighten them out; no changes to the original pier specifications is being made. The pilings will not be CCA treated as stated in the application, they will be ACQ treated.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to issue a Negative Determination such that a Notice of Intent is not required for the pier repair at 42 Plumfield Lane.

PUBLIC HEARING; FACCHINI; 74 BAY ROAD; 2 SINGLE FAMILY HOMES SE18-1806

Mark Casey of South Shore Survey presented the project. There are 2 houses on the site; one was built in 1950, one in 1953 that is a house and a garage. The plan is to take 2 houses down and build 2 new single family homes. The coverage in the buffer zone is decreasing, and the Board of Health has approved the septic plans. There is an existing gravel, dirt and shell road that will provide access to the new homes. The dirt road and gravel parking areas will stay. There is an intermittent stream to a man-made pond. One house is entirely within the 100-foot Buffer Zone, the other house is about 50% in the buffer zone. The coverage was 16.81 percent and now will be 12.85 percent.

Corey Wisneski asked what the existing septic systems are, Mr. Casey said they are cesspools and will be pumped and caved. Holly Morris asked about roof runoff, Mr. Casey said they are using underground chambers for the roof run-off and there will be swales so there will be no increase in post-development runoff. Sam Butcher asked about the lawn between the existing house and wetlands, Mark Casey said the lawn will remain.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to write Orders of Conditions for SE18-1806, 74 Bay Road.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 298 POWDER POINT AVE; SEAWALL, BEACH NOURISHMENT; COASTAL BANK STABILIZATION
SE18-1797**

Corey Wisneski reported that the Commission's peer review consultant has not yet submitted his report and therefore the hearing will be continued. Joe Grady reported that Attorney Guimond submitted a letter requesting emergency certification but it was received past the deadline for the meeting so won't be discussed at this meeting.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 6-0-0 to continue the hearing for SE18-1797 until May 15 at 7:05 pm.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 20 MARSHALL STREET; POOL & ADDITION
SE18-1807**

Freeman Boynton Jr. described the project which is an addition to connect the garage to the house and a pool. They will remove the paved driveway and replace it with shells to meet coverage requirements. The septic tank will be relocated outside of the 100' buffer zone to make room for the pool. Joe Grady said there is a vernal pool that fills and flows out to the Bay. The original Orders of Conditions for the project had a 25' area with no lawn allowed, and this should be in these Orders of Conditions. Water needs to be controlled so as not to erode the lawn, there is a drain that has erosion around it. Mr. Boynton said he will put cobblestones around the drain to prevent erosion.

Mr. Grady said about 2/3 of the vernal pool is natural but the north side has been mowed. Sam Butcher said that the coverage is very close to 15% and advised a final measurement of coverage be provided before any hardscaping is constructed. Mr. Boynton said he will construct the pool and addition and remove as much driveway as necessary to be at 15% coverage.

Charlie Burnham of 30 Marshall Street said there is a 10% downgrade to the pool from Marshall Street and he is concerned about bacteriologic effects of the shells to be used on the driveway on the vernal pool. He recommended the use of shells that are bacteriologically neutral and in a matrix so they don't get crushed. He is also concerned with damage to the roots of the tree that the pool will be close to. He hired Lenore Swanson and reported that she feels the wetlands have changed in the last 5 years, so the delineation which is 3 years old should be updated.

Susan Winslow, an abutter, is concerned with the wetlands being compromised by loaming and seeding, and wants to know where the water from the swimming pool will drain to. She feels the wetland should be reflagged.

Joe Grady said that there are shells made for driveways that are heated and cleaned. Freeman Boynton said he would look around for special shells that won't have any odor problems. Mickey McGonagle said there seem to be 3 issues, the shells for the driveway, whether the wetlands should be reflagged, and concerns about the pool.

Freeman Boynton Jr. said they will try to protect the tree. He suggested the backwash pit for the pool can be put on the high side of the pool. Typically pools are not drained and new filters use UV light, not backwash, but any backwash here will be outside the 100' buffer.

Sam Butcher suggested that Orders of Conditions can be written and should:

- Memorialize 25' buffer area
- Condition the redesign of the driveway drain
- The pavement removal should be done prior to pool construction
- The source of the shells should not be local oystermen
- Any leaching or backwash pit must be outside the 100' buffer or be pumped out into a truck
- A protective boundary will be placed around the tree

Joe Grady said typically he does not require reflagging of the wetlands every 3 years because wetlands don't move. Holly Morris asked how the pool and septic construction will happen, and Mr. Boynton said the septic tanks will be removed first, the pool will be built, then the septic tanks will be relocated.

Sam Butcher made a motion to write Orders of Conditions for SE18-1807 with the following conditions to be included:

1. Memorialize the protected area with 3 markers at the 25' buffer around the vernal pool
2. Redesign the drain to the southeast side of the pool to limit erosion into the vernal pool
3. Use driveway shells that are commercially sourced.

The motion was seconded by Robb D'Ambruoso and the vote was 6-0-0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 315 KING CAESAR ROAD; BEACH NOURISHMENT SE18-1808

Freeman Boynton Jr. of Duxbury Construction LLC described the project which is beach nourishment. This will be above mean high water and below the marsh. Robb D'Ambruoso asked how much sand will be used, Mr. Boynton said 5 truckloads or 115 yards.

On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 6-0-0 to write Orders of Conditions for SE18-1808, 315 King Caesar Road.

ADMINISTRATIVE MATTERS MINUTES

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 6-0-0 to approve the minutes of November 14 with minor corrections.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 6-0-0 to approve the Executive Session minutes of November 14.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 6-0-0 to approve the minutes of December 5.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to approve the Executive Session minutes of December 5 but not for public release.

CERTIFICATES OF COMPLIANCE:

SE18-1789; 126 Flint Locke Drive (partial): Joe Grady reported that this project is complete and complies with the Orders of Conditions except that the grass has not had enough time to grow. He recommends issuing partial Certificates of Compliance for all the Orders for this project except for revegetation. On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to issue partial Certificates of Compliance for SE18-1789, 126 Flint Locke Drive, with the revegetation Order not yet met.

SE18-1766; 143 Bay Road: 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 Tom Gill, seconded by Holly Morris, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1766, 143 Bay Road.

SE18-659; 120 Surplus 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 Holly Morris, seconded by Tom Gill, it was voted 6-0-0 to issue Certificates of Compliance for SE18-659, 120 Surplus Street.

Duplicate Originals: SE18-419; 112 & 120 Surplus Street: The Commission has already issued these Certificates of Compliance but the originals have been lost so new signature sheets need to be signed so they can be recorded at the Registry of Deeds.

EXTENSION PERMITS: SE18-1636, 48 Grand View Ave: This is a pier project that is not yet complete and a request for an extension of the original Orders has been filed. On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to issue 3-year Extension Permits for SE18-1636, 48 Grand View Ave.

Adjournment: On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to adjourn the meeting at 8:30 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1806; SE18-1807; SE18-1808

RDA Materials for 160 powder Point Ave; 42 Plumfield Lane

Draft minutes: November 14, regular & executive session; December 5, regular & executive session