



TOWN CLERK

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DUXBURY, MASS.

Town of Duxbury Conservation Commission

Minutes of June 6, 2017

The Conservation Commission met on Tuesday, June 6 2017 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski; Sam Butcher; Robb D'Ambruoso; Mickey McGonagle; Holly Morris; Tom Gill

Members Absent: Scott Zoltowski

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

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

PHILBRICK FARM CONSERVATION RESTRICTION APPROVAL

Pat Loring explained that this 4.9 acre parcel on West Street used to belong to Wildlands Trust. It was sold with the stipulation that the Philbrook house and the property must have a Conservation Restriction (CR) on 3.3 acres to ensure there are no further structures built on the property. The restriction has been signed by Wildlands Trust and the new owners; the Secretary of Environmental Affairs requires a local signature by the Board of Selectmen (BOS). In Duxbury the BOS only signs if the Conservation Commission approves the CR. After the Conservation Restriction is signed by the Commission and the BOS it will be sent to Boston and recorded. Robb D'Ambruoso asked why the town weighs in on a private CR; Mrs. Loring explained that the Commonwealth of Massachusetts requires that the municipality agrees that the CR is in the best interest of the Town. The Commission signed the CR.

PUBLIC HEARING; LOCHIATTO; 245 WASHINGTON STREET; PHRAGMITES TREATMENT AND REMOVAL

SE18-1771

Cameron Larson of Environmental Consulting & Restoration presented a revised plan with the only change being the addition of an erosion control barrier line following a site visit with Joe Grady.

They propose to treat the phragmites in the Bordering Vegetated Wetland using a licensed herbicide applicator, and then to maintain and manage the existing lawn. Tom Gill commented that phragmites return; Mr. Larson explained the goal is to achieve phragmites control over 3 years. Mickey McGonagle asked about hand removal and Mr. Larson said it is not an effective long-term approach.

On a motion by Robb D'Ambruoso, seconded by Sam Butcher, it was voted 6-0-0 to write Orders of Conditions for SE18-1771, 245 Washington Street.

PUBLIC HEARING; DUXBURY CONSTRUCTION; 109 ABRAMS HILL ROAD; DEMOLISH HOME AND BUILD A SINGLE FAMILY HOME AND POOL, LANDSCAPING, GRADING SE18-1772

Freeman Boynton described the project at this complicated site. There is a salt marsh and a coastal bank which was delineated by the change in slope. Much of the existing house is in the 45' setback to the street and it is not possible to increase the nonconforming area, and a portion of the existing house closer than 50' to the salt marsh. A larger portion of the house is closer than 50' to the Coastal Bank. The regulations allow for a vertical buffer coastal bank to offer some relief of the 50' setback. The proposed house will be in the existing footprint except the garage and the connector to the garage which are outside the 50' setback to the salt marsh but in the 35' setback to the coastal bank.

Remediation is proposed which includes downspouts and 2 drywells, one of which will be a catch basin in the driveway. A retaining wall will be built to allow for a wading pool and flatter area. The patios will all consist of pervious, English terrace design.

Joe Grady said this is a tough lot. The proposed connector and garage don't meet the required setbacks from the Coastal Bank. There is flexibility in the regulations for lots like this with a non-eroding coastal bank; the edge of the Coastal Bank is 50' away from the salt marsh. Joe Grady has walked the site and agrees with the delineation of the Coastal Bank based on a change of slope. Holly Morris asked whether the retaining walls are included in the coverage calculations and Mr. Boynton said that they are not and they don't typically include them in the calculations because they tend to benefit the resource area. Holly Morris asked how deep the walls are and Mr. Boynton said 3-4'. Holly Morris said the area is fine sand and that there is a drain on the street that drains onto this property; Mr. Boynton said he will discuss this with the DPW. Joe Grady asked how much vegetation will be cut and Mr. Boynton said the unhealthy trees will be cut, and that a large portion of the trees on the property are unhealthy. Holly Morris asked whether fill will be brought in and Mr. Boynton said they plan to use the fill removed when they excavate the basement for grading at the site. Sam Butcher noted that the proposed coverage is 14.99% which is very close to the allowed 15% and suggested great caution be used in the construction process so as not to exceed the allowable coverage.

The Commission and Mr. Boynton agreed that the contractor will provide an as-built plan of the house before any landscaping proceeds to ensure the coverage is below 15%. This will be included as an order in the Orders of Conditions.

Lori Hall of 175 Abrams Hill asked if there will be a new septic installed; Mr. Boynton said the existing system is Title V compliant. Barbara Taylor of 110 Abrams Hill expressed concern about the loss of trees and its impacts on her property. Mr. Boynton said the trees around the house will be taken down but some large oaks will be saved. The stumps of trees located on the Coastal Bank will not be removed. John and Lisa Bodie are neighbors and they are looking forward to the construction of the new house.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to write Orders of Conditions for SE18-1772, 109 Abrams Hill, with the requirement that an as-built plan of the house be provided to the Commission before any landscaping is done.

**CONTINUED PUBLIC HEARING; DUCKS BERRY LLC; 1065 SUMMER STREET; DRIVEWAY ENTRANCE, INFILTRATION BASINS, AND WATER MAIN
SE18-1757**

On the request of the applicant, this hearing will be continued. On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 6-0-0 to continue the hearing for SE18-1757 until June 27 at 7:15 pm.

**CONTINUED PUBLIC HEARING; BALDWIN; NORTH ST. & KEENE ST.; SINGLE FAMILY HOME
SE18-1763**

Joe Grady explained that no updated information has been received to date so the hearing will be continued. On a motion by Tom Gill, seconded by Robb D'Ambruoso, it was voted 6-0-0 to continue the hearing for SE18-1763 until July 11 at 7:15 p.m.

ADMINISTRATIVE MATTERS

MINUTES: On a motion by Holly Morris, seconded by Robb D'Ambruoso, it was voted 6-0-0 to approve the minutes of April 25, 2017 as written. On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 6-0-0 to approve the Executive Session minutes of April 25 but not for release to the public.

CERTIFICATES OF COMPLIANCE:

SE18-1120; 139 Buckboard Road

SE18-1516; 29 Quail Run

SE18-1532; 29 Quail Run

Joe Grady said that he has inspected these sites, all required documentation has been received, the projects conform to the Orders of Conditions, and he recommends issuing Certificates of Compliance. On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1653, 41 Hawkins Place and SE18-1516, 29 Quail Run and SE18-1532, 29 Quail Run.

SE18-807, 25 Hawkins Place – duplicate originals of previously issued Certificates that have been lost were signed

SE18-1762, 0 LAKE SHORE DRIVE – LETTER

Joe Grady reminded the Commission that they voted to issue Orders of Conditions for this project at a previous meeting, but he would like the Commission to consider supporting him in writing a letter to the Zoning Board of Appeals outlining the environmental problems in the pond due to nitrification and therefore objecting to the waiving of the septic setback requirements. Joe Grady has concern with waiving Duxbury Rules & Regulations for a town project and believes it sets a bad example. He explained that he offers comment to all ZBA appeals, but in this case he has special concerns. There have been significant environmental issues with this pond for over 25 years and it requires periodic treatment. The Commission approved the project because it meets the Rules & Regulations but the environmental impacts remain of great concern as well as the waiving of important environmental protections in the septic regulations.

The 27,000 square foot lot is too small and the septic system does not meet the septic regulations.

Sam Butcher made a motion to support a letter to be written by Joe Grady on behalf of the Commission to the ZBA expressing concerns over the environmental impacts of the Lake Shore Drive project. The motion was seconded by Holly Morris and was approved by a vote of 6-0-0.

OTHER MATTERS

Corey Wisneski asked about a letter to be provided to applicants on what the various committees and departments do and where to go to get what is needed. Sam Butcher wondered if perhaps MACC has an example letter that could be used.

Mickey McGonagle suggested the Commission consider in the future using less paper plans and more digital drawings in their review of projects.

Adjournment: On a motion by Robb D'Ambruoso, seconded by Sam Butcher, it was voted 6-0-0 to adjourn the meeting at 8:12 p.m.

MATERIALS REVIEWED AT THE MEETING

Draft CR for Philbrick Farm

NOI application materials for SE18-1771; SE18-1772

Draft minutes of April 25, 2017