



Town of Duxbury Conservation Commission

TOWN CLERK
2018 DEC 27 PM 2:26
DUXBURY, MASS.

Minutes of July 10, 2018

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

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

Members Absent: Mickey McGonagle

Staff Present: Susan Ossoff, Administrative Assistant

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

DONALD NORRIS; 53 OCEAN ROAD NORTH; DISCUSSION WITH CONSERVATION COMMISSION ABOUT CERTIFICATES OF COMPLIANCE FOR SE18-1664

Donald Norris explained that he filed for Certificates of Compliance for SE18-1664, 53 Ocean Road North, and Joe Grady determined that he had built the project over the allowable coverage. Stenbeck & Taylor, his consulting engineer, said it was a minor deviation. There was a meeting with Scott Lambiase, Joe Grady, and Mr. Norris where this issue was discussed, and it seems the issue is mostly with the deck on the ocean side of the property that is 2' wider than it should be. He said that since he originally filed, the VE Zone has been moved forward closer to the wall, so less of his house is in the VE Zone than when he filed. He wanted to see what the Commission thinks and if they can consider the current VE Zone rather than the one that existed when the property was built, and the seawall has moved.

Corey Wisneski said the issue is that the deck doesn't meet the setback requirements from the seawall. Robb D'Ambruoso said regardless of V-zone changes or movement of the seawall, the Commission approved a plan and something was built that is different than what was approved. Mr. Norris said there was a disconnect between himself the contractor so the deck is wider than what was approved. Robb D'Ambruoso said there are 3 or 4 places where the building and decks are larger than what was approved. Scott Zoltowski said there is a 4' difference in the deck on the street side, and although the ocean side is their primary concern, a 4' discrepancy is significant. Robb D'Ambruoso said the deck is 33% larger than what was approved; a 4' increase in size on a 12' deck is a large discrepancy. Scott Zoltowski agreed that these are not small deviations, that there are 3 areas with significant overage: the size of the house and the size of 2 decks.

Mr. Norris said the house was jacked up off the ground and placed on piers at elevation 19; 4 steps were needed to get up to the house so there is 32 square feet more coverage; Corey Wisneski said the stairs should have been shown on the plan as coverage. She said the square footage in the V-zone exceeds what is allowed.

Don Norris asked if he can redo the calculations using the new V-zone location; it has been moved 17' forward. This would result in less coverage in the V-zone. Robb D'Ambruoso said

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

the construction is not in compliance with the plan; the floodmap changes are not relevant. Don Norris said it would be different if he brought the project forward today; Scott Zoltowski agreed, but he said the building has been constructed out of compliance with the Orders of Conditions and the Commission can't grant exceptions. Mr. Norris said the State has a form for minor deviations and Mr. Zoltowski said these deviations are not minor.

Sam Butcher said there was an approved plan, and what was built deviates from the plan. Perhaps Mr. Norris should look for ways to bring the project into compliance; the Commission is not inclined to grant Certificates of Compliance for a project that is not in compliance with what was approved. The goal is to get the project in compliance with what is approved; the Commission does not want to be inconsistent in the way it enforces its regulations. He suggested seeing if the engineering firm has any suggestions. Corey Wisneski agreed that Mr. Norris needs to figure out a way to come into compliance.

Mr. Norris said he has minutes from the meetings in 2014, and there is a date error in the header on one of the sets of minutes. Sam Butcher said it is a clerical error; Mr. Norris said he wanted to bring it to the Commission's attention. Mr. Butcher said this error will be reflected in the minutes of today's meeting.

CONTINUED PUBLIC HEARING; CAFFREY; 2018 MYRTLE STREET; ANRAD SE18-1815

Jonathan Caffrey said the Commission's peer review is complete and they are looking for acceptance of the delineation, the peer reviewer indicated the delineation is accurate. There were recommendations for a few revisions to the plan and those recommendations were implemented. Sam Butcher said a note needs to be added to the plan title clarifying that only Duxbury wetlands areas are approved through this Order of Resource Area Determination (ORAD).

Sam Butcher made the following motion: To issue an Order of Resource Area Determination for 208 Myrtle Street, File #SE18-1815, clarifying that only the wetlands areas in Duxbury are being approved by this ORAD and requiring a revised plan be submitted by the applicant with a note on the plan above the plan title stating that only Duxbury wetland areas are approved before the ORAD will be issued.

ADMINISTRATIVE MATTERS

CERTIFICATES OF COMPLIANCE:

SE18-1756; 1 Beach Plum Lane: Corey Wisneski reported that Joe Grady informed her 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 Scott Zoltowski, seconded by Sam Butcher, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1756; 1 Beach Plum Lane.

SE18-1784; 24 Fort Hill Lane: Corey Wisneski reported that Joe Grady informed her 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 Corey Wisneski, seconded by Scott

Zoltowski, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1784; 24 Fort Hill Lane.

SE18-1737; 28 Mayflower Ave: Corey Wisneski reported that Joe Grady informed her 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 Corey Wisneski, seconded by Sam Butcher, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1737; 28 Mayflower Lane.

SE18-1338; 30 Landing Road: Corey Wisneski reported that Joe Grady informed her 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 Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1338; 30 Landing Road.

SE18-1471; 15 Quail Run: Corey Wisneski reported that Joe Grady informed her 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 Corey Wisneski, seconded by Sam Butcher, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1471; 15 Quail Run.

REQUEST TO ALLOW TURKEY HUNTING NEAR THE WRIGHT RESERVOIR

This will be discussed at the next meeting

COMMISSION 5-YEAR PLAN: UPDATE

Corey Wisneski reported that the first meeting of this group will be on July 18; Joe Grady will attend and provide guidance.

EMERGENCY CERTIFICATION: SURPLUS STREET

Corey Wisneski explained that due to damage from the recent rains, the Duxbury DPW had to do some emergency repairs to a culvert on Surplus Street; the Conservation Office issued an Emergency Certification do this work. The Commission needs to reaffirm the Emergency Certification.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 6-0-0 to reaffirm the Emergency Certification issued for the work at Surplus Street by the Duxbury DPW.

Adjournment: On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 6-0-0 to adjourn the meeting at 7:35 pm.

MATERIALS REVIEWED AT THE MEETING

Revised Plan for SE18-1815, 208 Myrtle Street