



Town of Duxbury Conservation Commission

Approved August 12, 2019

TOWN CLERK

2019 SEP -5 PM 3: 34

DUXBURY, MASS.

Minutes of July 23, 2019

The Conservation Commission met on Tuesday, July 23, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Robb D'Ambruoso; Sam Butcher; Holly Morris; Corey Wisneski

Members Absent: Tom Gill; Mickey McGonagle; Scott Zoltowski

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

REORGANIZATION

The Commissioners wanted to wait until the next meeting to reorganize. On a motion by Sam Butcher, seconded by Holly Morris, the Commission voted 4-0 to elect Corey Wisneski the pro tem chair for tonight's meeting.

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

Joe Grady reported that the applicant has submitted a revised plan that has been given to the Commission's peer consultant, BETA, for review. On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 4-0 to continue the hearing for SE18-1836 until August 13 at 7:15 pm.

PUBLIC HEARING; MINOT CONSTRUCTION; 234 GURNET ROAD; SINGLE FAMILY HOME SE18-1867

Richard Burchill of Minot Construction described the project which is to tear down the existing dwelling and rebuild a new single family home. This home will be on a concrete pier foundation. The property is in two flood zones; the back of the house in a VE zone and the front of the house in an AO zone. No expansion of living space is allowed under the Commission's regulations in the VE zone so the back of the house has no expansion of living space; the front of the house has 2 stories and an increase in living space which is permitted in an AO Zone. The house is outside the existing footprint in the front where it has been squared off but the house has been pushed back a bit on the lot.

Joe Grady said there is no expansion of living space allowed in a Velocity Zone so the part of the house in this zone is within the same footprint and there is no increase in living space. In the front, which is an AO zone, the house is mostly within the existing footprint and a second floor has been added. The house has been elevated. Joe Grady said he has a few concerns. There are no wetlands flags in the field, and he does not agree with the location of the wetlands line on the plan, he believes some marsh has not been included. The line needs to be accurate on the plan. There are 2 sets of stairways, and Joe Grady recommends moving the stairs from the rear of the house to the south side to gain further distance from the wetlands. Also, a foundation plan is required though the Orders of Conditions can require that to be submitted later, the hearing can be closed without the foundation plan having been submitted first.

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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.

Sam Butcher reiterated that the Commission needs a revised plan with an accurate wetlands delineation, and a plan showing the stairway moved from the west elevation to the south elevation. A foundation plan will also be required before signoff can occur on any building permit.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0 to continue the hearing for SE18-1867 until August 13 at 7:20 pm.

CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION; 283 KING CAESAR ROAD; PIER

SE18-1853

Freeman Boynton Jr. explained that through a long process, various issues have been ironed out with this pier project. The pier has been rotated to be parallel to the lot line to get the float into deeper water. The pier was shortened. The new state guidelines require 1.5' of height above the salt marsh for each foot of width and this has been met. Joe Grady has been out to the site and identified shellfish bed areas and these have been noted on the plan. The structure will be built using an elevated hammer method; the materials will be stored on a barge outside the salt marsh. The Division of Marine Fisheries is recommending a new anchoring system but this is not good in areas with large tidal fluctuations. Joe Grady said he agrees with Mr. Boynton, the DMF recommendation for helical piles as anchors with bungee cords is not an approach used in this area. Mushroom anchors with chains in the 4 corners of the float is better in an area with a 9' tidal fluctuation; having long bungee cords is dangerous if one of them breaks.

Holly Morris asked about changes to the gangway. Mr. Boynton said this gangway is 35' (as compared to the typical 25'). They don't yet have a location identified for float and gangway storage yet but it will be outside the resource area. Joe Grady said the location of float and gangway storage must be known before construction can begin. Mr. Boynton said all materials used and the elevated hammer are stored on a barge outside the salt marsh area and there will not be an elevated rack to store dunnage.

Joe Grady said the new DMF guidelines are to increase the ratio of height to width to 1.5. For this pier the walkway meets this guideline but not the platform; the platform would not meet these recommendations. DMF recommends 2.5' of separation from the bottom of the float to the tidal flat (used to be 24") and use of a float stop system; Joe Grady said that would require more pilings in the tidal flat, and float stops are not allowed.

Joe Grady said the width of the salt marsh is still accurate as well as the depiction on the plan of shellfish resource areas.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0 to write Orders of Conditions for SE18-1853, 283 King Caesar Road.

DISCUSSION: DOG WALKING PERMITS

Joe Grady said that at the last meeting of the Commission there was discussion about the idea of adopting dog walking permits for the town. It is a public health issue because dogs that have not been vaccinated against rabies can be walking on public lands. The funds raised from the permits would help pay for the dog waste containers and also fund staff to enforce the regulations.

The Town Clerk and Animal Control officer drafted a brochure, it was clear from the last discussion that the brochure needs to be clearer and there needs to be good legal backup. The Commission has the legal authority to regulate the use of Conservation land, but an opinion from Town Counsel would be sought regarding any program to be adopted.

Corey Wisneski thought the brochure had too much 'legalese' in it and that the violation schedule was confusing. Holly Morris found the brochure to be repetitive. Robb D'Ambruoso had a number of comments including that does not think the Town should require the walker to display a permit on their person, #3 Limitation of Liability is not a limitation of liability, the definitions need to be cleaned up, most of Section 9 is unnecessary, and the definition of responsible walker should be anyone who brings a dog onto these lands not only those that bring permitted dogs.

Joe Grady said this was just an initial attempt and the brochure will be further edited as this process moves forwards.

ADMINISTRATIVE MATTERS

Minutes: On a motion by Sam Butcher, seconded by Holly Morris, the minutes of July 9, 2019 were approved by a vote of 4-0.

Certificates of Compliance:

SE18-1824; 274 Marshall Street: Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1824. On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0 to issue Certificates of Compliance for SE18-1824, 274 Marshall Street.

Extension Permits: SE18-1740; Garside Reservoir

The Garside Reservoir Association has asked for extension permits for the aquatic management program at Garside Reservoir. This body of water is owned by the Commission but there is no public access. They hire a company to do weed management and this has been ongoing for many years. Joe Grady recommends issuing the Extension Permits for 3 years. Holly Morris asked who pays for the weed treatment and Joe Grady said the Reservoir Association pays for it.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0 to issue Extension Permits for SE18-1740.

Executive Session: Joe Grady said no executive session is needed.

Adjournment: On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 4-0 to adjourn the meeting at 8:05 pm.

MATERIALS REVIEWED AT THE MEETING

Draft minutes of July 9, 2019

NOI materials for SE18-1867 and SE18-1853

Draft Dog Walking Permit brochure