



Town of Duxbury Conservation Commission

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DUXBURY, MASS.

Minutes of August 28, 2018

The Conservation Commission met on Tuesday, August 28, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

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

Members Absent: Sam Butcher

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

The meeting was called to order at 7:05 pm.

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

The quorum for this hearing is Scott Zoltowski, Corey Wisneski, Mickey McGonagle, and Holly Morris.

The Commission's peer reviewer, Stan Humphries of LEC Environmental, said that changes have been made to the plan since the last meeting that he believes address the major concerns, although a proposed meeting that was discussed never took place. Some of the issues addressed were tucking the existing stones in Easement A back into the bank to prevent erosion, installation of 2 rows of coconut fiber logs at the toe of the bank, plantings, and a 2-year monitoring program. Freeman Boynton Jr. of Duxbury Construction LLC said the seawall at the Chase's was built to intersect with the wall that he believed would be built at the Langeland's, and it is difficult to make all the parties happy, and he proposes withdrawing this Notice of Intent and filing 2 new Notices of Intent; one to maintain the revetment in Easement A and the other to stabilize the bank in Easement B.

Gene Guimond, attorney for the Langeland's, asked for the record if the Commissioners received copies of the materials that were submitted by himself and Jim O'Connell and an engineering review; he was informed that those were distributed. He then asked if Stan Humphries had reviewed them and was told that Stan had not reviewed them, and Mr. Guimond wanted it noted in the minutes that Stan Humphries did not have the opportunity to review the materials. Corey Wisneski asked Mr. Guimond if this latest plan is acceptable to his client and was told, it was not acceptable. Mr. Guimond suggested a site visit with the Department of Environmental Protection.

Jim O'Connell, consultant for the Langeland's, said he has submitted 3 reports to the Commission about this project. His position is that the revetment is noncompliant with the regulations. The revetment is not required to prevent storm damage to the house at 298 Powder Point as required in the regulations. The Coastal Bank was densely vegetated and does not require a revetment. Best Management Practices must be used in constructing the revetment,

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and the regulations require no adverse impacts and in this case there were many adverse impacts from the construction of the revetment. He expects end scour at the end of the revetment; the guidelines require the end be set back to prevent end scour on a neighbor's property. The Langeland's are willing to compromise and will accept a wall to the property line. The revetment is too steep, it is a 1:1 slope and wave reflections is going to increase coastal erosion. The mitigation is weak, he recommends erosion control matting and salt tolerant grasses, the current proposal is for a monoculture. They also want a management plan that identifies who maintains the revetment, who does the monitoring reports, etc.

Mickey McGonagle said it is clear that an agreement is not going to be reached at this time, and he recommended continuing the hearing to decide if the NOI should be withdrawn.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0-1 (with Tom Gill abstaining) to continue the hearing for SE18-1797 until September 25 at 7:25 pm.

**PUBLIC HEARING; KIMBRO; 80 PILGRIM BY-WAY; ADDITION
SE18-1818**

Rob Carlezon of Grady Consulting LLC described the project which is an addition to an existing dwelling. It will be 89.2' to the wetlands at its closest point and coverage on the site is below the allowable 15%.

On a motion by Holly Morris, seconded by Scott Zoltowski, it was voted 6-0-0 to write Orders of Conditions for SE18-1818, 80 Pilgrim Byway.

**PUBLIC HEARING; PANIO; 118 DEPOT STREET; POOL
SE18-1820**

Joe Webby of Webby Engineering described the project which is a swimming pool that is 51' at its closest point to the bordering vegetated wetlands; coverage at the site is 11%. Joe Grady said the project conforms to the Commission's rules and regulations.

On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 6-0-0 to write Orders of Conditions for SE18-1820, 118 Depot Street.

**PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 40 UNION HALL ROAD; HEADWALL
REPAIR AND CULVERT REPLACEMENT**

Freeman Boynton Jr. of Duxbury Construction LLC described the project which is to repair 2 headwalls and a culvert that were installed years ago where a driveway crossed wetlands. He wants to remove the asphalt, replace the culvert between the 2 headwalls and straighten the leaning headwall, and add blocks to prevent any leaning in the future; he will then fill and repave. Joe Grady recommended a Negative Determination as there is no change to the existing structure or location.

On a motion by Scott Zoltowski, seconded by Tom Gill, it was voted 6-0-0 to issue a Negative Determination for the project at 40 Union Hall Road such that no Notice of Intent is required to do the repair work.

PUBLIC MEETING; ARCHIA HOMES; 143 BAY ROAD; DECK

Peter Stames of Archia Homes described the project which is change a deck into a covered porch and patio with no change in the footprint of the deck. Holly Morris asked if the overhang of the deck is taken into account; Peter Stames said it will be within the existing footprint.

On a motion by Tom Gill, seconded by Robb D'Ambruoso, it was voted 6-0-0 to issue a Negative Determination such that no Notice of Intent is required for the project at 143 Bay Road.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 274 MARSHALL STREET; SEAWALL SE18-1824

Freeman Boynton Jr. of Duxbury Construction LLC asked that the hearing be continued; Joe Grady has asked for clarification of some items on the plan.

On a motion by Scott Zoltowski, seconded by Tom Gill, it was voted 6-0-0 to continue the hearing for 274 Marshall Street until September 25, 2018 at 7:05 pm.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 262 MARSHALL STREET; SEAWALL SE18-1823

Freeman Boynton Jr. of Duxbury Construction LLC asked that the hearing be continued; Joe Grady has asked for clarification of some items on the plan.

On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 6-0-0 to continue the hearing for 262 Marshall Street until September 25, 2018 at 7:06 pm.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 174 MARSHALL STREET; SEAWALL AND WELL SE18-1822

Freeman Boynton Jr. of Duxbury Construction LLC described the project. A hole in the seawall was patched after filing an RDA, but the storms overtopped and scoured the wall so they want to raise the wall height by 4 feet from elevation 13.5 to elevation 17.5. Access will be through the neighbor's property and there was be no disturbance to the Coastal Bank. An irrigation well will be installed on the north side of the house. Holly Morris asked what is currently landward of the wall and Mr. Boynton said the slope won't change though some stones will be added. There is a landscape plan associated with the reconstruction of the house. Holly Morris asked if the neighbors have seawalls and if so what the heights are; Mr. Boynton said the neighbors have walls with similar construction and they are the same height as this wall.

On a motion by Scott Zoltowski, seconded by Robb D'Ambruoso, it was voted 6-0-0 to write Orders of Conditions for SE18-1822, 174 Marshall Street.

PUBLIC MEETING; LEEDOM; 74 BAY ROAD; SEPTIC SYSTEM

Mark Casey of South Shore Survey described the project. An ANRAD was done for this property, and a NOI for 2 houses was filed but the project did not go forward. This filing is for the septic system only; a septic tank will replace existing cesspools and collect from both buildings on the property, and it will go to a pump chamber and to a soil absorption system outside the 150' buffer. Joe Grady expressed concern with the tank being below the groundwater level, Mark Case said it is a monolithic tank with 1 piece construction so there is no seal that can leak.

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Normally a tank is built with 2 halves and sealed and sometimes the seal breaks which leads to leaking.

On a motion by Scott Zoltowski, seconded by Robb D'Ambruoso, it was voted 6-0-0 to issue a Negative Determination such that a Notice of Intent is not required for the septic project at 74 Bay Road.

Adjournment: On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 6-0-0 to adjourn the meeting at 7:57 pm.

MATERIALS REVIEWED AT THE MEETING

RDA Application materials for 40 Union Hall Road, 143 Bay Road, 74 Bay Road

NOI applications for SE18-1797, SE18-1818, SE18-1820, Se18-1824, SE18-1823, SE18-1822