



TOWN CLERK
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DUXBURY, MASS.

**Town of Duxbury
Conservation Commission**

Minutes of September 24, 2019

The Conservation Commission met on Tuesday, September 24, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

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

Members Absent: Tom Gill; Scott Zoltowski

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

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

CONTINUED PUBLIC HEARING; DUXBURY YACHT CLUB; 23 MATTAKEESET COURT; PIER

SE18-1868

The applicant has requested a continuation of this hearing. On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0 to continue the hearing for SE18-1868 until October 8 at 7:11 pm.

CONTINUED PUBLIC HEARING; CALISTA; 315 KING CAESAR ROAD; PIER

SE18-1836

The quorum for this hearing is Corey Wisneski, Holly Morris, Mickey McGonagle, and Robb D'Ambruoso

Paul Brogna, representing the Calistas, said that the latest revised plan is dated 8/8/2019. The length of the walkway was shortened 13.5 feet so the pier is now 77.5' long with an 8' platform. All of the concerns raised by the Commission's consultant, BETA, have been addressed with this plan and the location meets the Commission's requirements.

Joe Grady said that the location of shellfish habitat was missing from the last plan; Joe Grady went to the site and determined the shellfish habitat so the applicant shortened the pier to stay out of the shellfish habitat. An abutter to this property submitted a letter that was distributed to the Commission in their packets.

John Rachwalski of 321 King Caesar Road said he is the abutter who submitted the letter, and he would like to hear a response to his letter. He said his request is that prior to construction, the property line be marked and the layout of the pier be defined to ensure it does not come closer than the required 25' setback from the property line; he is asking the Commission to have the property line determined by a licensed surveyor and that the pier be laid out by an engineer to make sure it is compliant. Paul Brogna said they stake out every pier before construction, and he can have the lot line staked. He said the piles are placed 3-4' inside of the outer edge of the

decking so the piles are not at the 25' line. Joe Grady agreed that requiring the lot be staked by a surveyor and the pier be located by an engineer could be included in the Orders of Conditions.

On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 4-0 to write Orders of Conditions for SE18-1836, 315 King Caesar Road, to include staking the lot line on the eastern side of the property and staking the pier location. Voting yes were Corey Wisneski, Robb D'Ambruoso, Holly Morris, and Mickey McGonagle.

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 0 KING CAESAR ROAD (BUMPUS PARK); RETAINING WALL REPAIRS

Sam Butcher recused himself for this hearing as a member of the Duxbury Rural & Historical Society who is helping with this project.

Freeman Boynton Jr. of Duxbury Construction LLC described the project. The goal is to avoid an expensive repair to the wall at Bumpus Park, and so the proposed work is to keep the wall from falling until a long-term solution is identified. The stones are undermined at the bottom, and they will work from the grass side of the wall and insert wedge-shaped stones underneath the wall to stabilize it.

On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, a Negative Determination was voted for this project at 0 King Caesar Road, Bumpus Park, such that no Notice of Intent is required for the wall repair. The vote was 4-0.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC FOR DILLON; 0 OCEAN AVE; REVETMENT
SE18-1878**

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC FOR BICKNELL; 0 OCEAN AVE; REVETMENT
SE18-1876**

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC FOR RIAZ; 0 OCEAN AVE; REVETMENT
SE18-1877**

Corey Wisneski read the Public Hearing notices and explained that these 3 hearings are about the same project so they will be discussed together.

Robb D'Ambruoso disclosed that he is working with Mr. Riaz to ascertain lot lines on the property because the historical records are unclear.

Freeman Boynton Jr. of Duxbury Construction LLC described the project. There has been damage to the walls over the last few years and an area with scour. The Dillon property has an existing wall, the Riaz/Rice property has boulders against the bank, and the Bicknell property does not have any armoring. The plan is to remove portions of the existing boulder wall that encroach on the beach in return for filling in the area with scour. At the Riaz/Rice property the boulders would be moved further back off the beach, at the Dillon property the wall will stay where it is but be made taller and stairs will be added and there will be plantings at the top. Mr. Boynton referenced Brad Holme's letter about the project.

Joe Grady said there is a lot of detail on the plans. The Commission did not receive the report from Brad Holmes that Mr. Boynton referred to. The existing conditions plan shows 3 odd-shaped properties. Joe Grady met at the site with Mr. Boynton. The Commission does not allow hardened structures to occupy the beach, and for wall repairs the rip-rap meets the beach where the existing wall does. This project proposes removing wall on one parcel from the beach and exchanging that so that the scour area can be filled and armored. Joe Grady said he thinks a site visit would be important, and the Commission needs to see Brad Holmes' report. Joe Grady also wondered if there is coastal bank under the scour area.

Joe Grady asked why the 4 cross sections shown on the plan are identical; Mr. Boynton said that it shows that the same design will be used across the properties. Joe Grady asked if the north side is only having stone added to the top of the wall and Mr. Boynton said that is correct except one section will be removed in order to add stairs. Joe Grady asked if there will be a net change of 1 square feet in area for all 3 properties and Mr. Boynton said yes. Freeman Boynton said it doesn't work if the area to be filled because of scouring has to be compensated with loss of beach on the same lot, it only works if the 3 lots are considered together. Joe Grady said he wants to know if Brad Holmes found a coastal bank underneath the scour area and Mr. Boynton said he believed Mr. Holmes found only sand, no coastal bank. Joe Grady asked about vegetation in the area and Mr. Boynton said it was all phragmites.

The Commission will set up a site visit.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0 to continue the hearings for SE18-1876, SE18-1877, and SE18-1878 until October 8 at 7:20 pm.

**PUBLIC HEARING; TOWN OF DUXBURY DPW; HARRISON STREET & #225 LINCOLN STREET; WATER DISTRIBUTION SYSTEM IMPROVEMENTS
SE18-1873**

Ryan Trahan, PE of Environmental Partners described the project which is to remove vinyl lined water lines. Of the work area, a section on Harrison Street and on Lincoln Street are near wetlands; on Harrison Street there is work within a culvert. The Construction Notes on the plan include requirements that any modifications to the plan in the buffer zone has to be approved by Joe Grady. Erosion controls will be used. They hope to begin work in mid to late November although the Harrison Street work won't begin until the spring.

On Harrison Street they will use the open cut method, where the street will be opened, the old main removed, the new main installed, the hole filled and repaved. There will be silt sacks at the catch basins that will be cleaned approximately once per week but will be removed in heavy rains. For any groundwater, dewatering bags will be used to filter the sediment and the water will then go to the silt sacks. Details of the filter socks and silt sacks to be used are provided on plan CD-3.

Sam Butcher asked Mr. Trahan to clarify the work at Lincoln Street on Plan C-2. Mr. Trahan said there are currently 2 mains serving the condo complex and 1 has the lined pipe, the work will be to dig down and cap the lined pipe in 2 locations and use only the other pipe for the water supply, so a minimal amount of work will be done in this area.

Plan CD-4 shows the culvert crossing. This crossing was installed 15-20 years ago and the existing insulated water main rests on 2 concrete pillars. The old main will be cut, lifted off the concrete piles, and prefabricated piece of pipe will be replaced in the same location. One

modification is to soften the angle to 22 degrees instead of 45 degrees as it comes away from the culvert. No machines will be used in the resource areas, it will all be hand work, and the pipe will be lowered from the road.

Joe Grady said the application is complete. A preconstruction meeting is scheduled for November.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0 to write Orders of Conditions for SE18-1873, Harrison Street and #225 Lincoln Street.

**PUBLIC HEARING; CASO; 44 RIVER LANE; ADDITIONS & PATIO
SE18-1874**

Joshua Green of Merrill Engineers presented the project. The entire property is in the Riverfront Area and the 100' Buffer zone. There is a Coastal Bank. There are 2 additions proposed, one to the front and one to the rear in areas of existing covered porches. The new patio will be constructed in the footprint of the existing patio.

Joe Grady said the wetlands line as shown on the plan is accurate and the project complies with the Rules & Regulations of the Commission. The additions and patio are over existing structures.

Paul Brogna said this project proposes a 34 square foot reduction (0.12%) in coverage, but the landscaping is not finalized, so they want to be able to use the additional coverage for landscaping at a later time and he is requesting the Orders contain a Condition allowing the use of the 34 square feet of coverage at a later time.

Sam Butcher said it would be a cleaner approach to continue the hearing and prepare a revised plan that proposes using the 34 square feet, that the Commission can't informally grandfather coverage. Whatever is proposed on the plan could be revised later but would allow for Orders of Conditions to be written that include all the proposed coverage for the project. Holly Morris concurred that the Orders can't allow additional undetermined coverage.

Paul Brogna said the applicant doesn't want to continue the hearing, so perhaps the existing footprint of the patio (which is larger than the proposed footprint) could be used. Sam Butcher said that is not consistent with the plan that has been submitted for approval. Mickey McGonagle said the options are to go with the plan in front of the Commission or revise the plan and come back to a continued hearing. Mr. Brogna said he has seen Orders of Conditions that have an allowance for extra coverage; Joe Grady said that if that was in fact the case it would be for a situation when the site coverage is less than 15% which is not the case for this project. The applicant, Mr. Caso, preferred to move forward with the plan before the Commission and not delay the project further even if he loses the 34 square feet of coverage.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0 to write Orders of Conditions for SE18-1874, 44 River Lane.

ADMINISTRATIVE MATTERS

Discussion: Consultant for SE18-1757; Dogwood Drive: Joe Grady said that things seem to be progressing fine with the start of this project and at this time he does not recommend proceeding with hiring a consultant.

Executive Session: Robb D'Ambruoso made a motion to go into Executive Session to consider the taking, purchase, exchange, lease or value of real property, as such discussion in an open meeting may have a detrimental effect on the negotiating position of this Commission; and to reconvene in open session at the conclusion of the Executive Session in accordance with the Massachusetts General laws Chapter 30A, Section 21. The motion was seconded by Corey Wisneski, and the roll call vote was: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes.

Adjournment: On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0 to adjourn the meeting at 8:45 pm.

MATERIALS REVIEWED AT THE MEETING

NOI Materials for SE18-1836; SE18-1873; SE18-1874; SE18-1876; SE18-1877; SE18-1878;
RDA Materials for 0 King Caesar Road (Bumpus Park)