



Town of Duxbury Conservation Commission

Approved 1/8/19

TOWN CLERK

2019 JAN 29 AM 10:42

DUXBURY, MASS.

Minutes of September 25, 2018

The Conservation Commission met on Tuesday, September 25, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

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

Members Absent: Tom Gill

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

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

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

This hearing will be held concurrently with the SE18-1822 hearing (below).

CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 262 MARSHALL STREET; SEAWALL SE18-1822

Freeman Boynton Jr. of Duxbury Construction LLC said some revisions have been suggested to the plans for these projects. Joe Grady recommended the Commission make a site visit.

Corey Wisneski reported there is a question about a very small part of the seawall on the north end of the plan being on neighboring property. Mr. Boynton said they have a letter from the neighbor who owns the property approving of the plan. Corey Wisneski said that it might be best to have a Notice of Intent filed for that property. Mickey McGonagle asked if in the past a letter from a neighbor in this type of situation was considered sufficient, Mr. Boynton said in the past that letters were sufficient. Joe Grady said in the past letters from neighbors have been required when the project requires a route through a neighbor's property, but that doesn't approve of a plan or a method of construction. Holly Morris asked if the wall deteriorates, who is responsible in this situation. Scott Zoltowski said issues could arise when the property changes hands. The consensus was that a separate NOI should be filed for the portion of the wall on the adjacent property.

Joe Grady reported that both properties suffered significant erosion in March. The wall could be constructed to where the coastal bank was before the recent erosion. He recommends a site visit with the Commission and Mr. Boynton. Robb D'Ambruoso requested that stakes or flags be set before the Commission visits. Freeman Boynton said he would do that for the day of the visit. The site visit was scheduled for Monday, October 1 at 5:00.

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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.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, the hearing for SE18-1824 was continued until October 15 at 7:05 pm by a vote of 6-0.

On a motion by Corey Wisneski, seconded by Scott Butcher, the hearing for SE18-1823 was continued until October 15 at 7:06 pm by a vote of 6-0-0.

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 98 CANDLEWICKE CLOSE; SEPTIC SYSTEM

Freeman Boynton Jr. described the project which is a new septic system with the tank and pump chamber in the 100' buffer. Brad Holmes delineated the wetlands, this is an isolated wetland under the local bylaw only.

Joe Grady said this is an isolated wetland and recommended the Commission issue a Negative Determination. The leaching area is outside of the Commission's jurisdiction.

Sam Butcher made a motion to issue a Negative Determination such that no Notice of Intent is required for the septic system at 98 Candlewicke Close; the motion was seconded by Corey Wisneski and approved by a vote of 6-0.

PUBLIC HEARING; DUXBURY BAY MARITIME SCHOOL; 457 WASHINGTON STREET; DEMOLISH AND REBUILD A BUILDING SE18-1827

Patrick Brennan of Amory Engineers described the project. The building is currently a tin shed and it will be replaced with a rowing center. The parking areas will be shell and gravel. The new building will be in the same footprint. It is on the property line to the rear and there is a restrictive sight line easement in front. The building will be on piles and there will be some fill brought in on the south side. The first floor will be rowing shell storage and the second floor will be a fitness room and rowing tank. There are 2 catch basins that will be converted to manholes and 2 additional catch basins will be added outside to capture stormwater.

Additionally, in another building on the site that is a marine ecology lab, they are proposing adding a seawater intake and return underground. The small amount of fill be added should not impact abutters. On the property 13,200 square feet of Land Subject to Coastal Storm Flowage will be disturbed on the site.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0 to write Orders of Conditions for SE18-1827, 457 Washington Street.

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

Freeman Boynton, Jr., representing the Chases said there was a meeting yesterday and there was some discussion about a compromise wherein certain rocks would be removed and the disputed area restored and replanted. An agreement about who will do the monitoring and a reporting schedule were also discussed.

Jim O'Connell of Coastal Advisory Services representing the Langland's said he had prepared a letter stating the details of the agreement. Sam Butcher said the Commission has not seen the

letter. Corey Wisneski asked if a new plan had been submitted showing the rocks to be removed and the changes in planting. Jim O'Connell said he has not seen a revised plan nor a monitoring plan. He said the Langeland's are still concerned about end scour that will affect plantings. They want the responsibility for maintaining the easement clarified. He said the Langeland's do not want to be responsible if something happens to the revetment or Easement B.

Freeman Boynton said the Chases will maintain Easement B, which protects the Chase's property. Wes Langeland said he is uncomfortable with the design but will compromise, but they need to reach an agreement. Gene Guimond, representing the Langeland's said his concern is how to memorialize this agreement at the Registry of Deeds. He would like to suggest verbiage about this to be included in the Orders of Conditions.

Brooks Chase said they met yesterday and hoped to reach an agreement, but then today he received this written document from Mr. O'Connell and he is not comfortable with the verbiage in it. He said he wants his attorney to review it.

Scott Zoltowski said there has been progress made towards an agreement, but more time is needed to work through the details. He suggested continuing the hearing and coming back next time to close it with everyone having had time to reach an agreement in writing.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0-0 to continue the hearing for SE18-1797 until Tuesday, October 30 at 7:05 pm.

CONTINUED PUBLIC HEARING; CARTY; 344 TEMPLE STREET; GARAGE AND DRIVEWAY SE18-1821

Rick Grady of Grady Engineering, representing Tim Carty, presented a revised plan showing the driveway relocated beyond the 25' setback. A portion of the existing deck will be removed to get the coverage to 15%. The foundation in the 50' setback will be a non-wall type foundation with monolithic turn down footing. There will be roof drains to a rain garden and the landscape plan focuses on pollinators.

Joe Grady said there is another small area of new driveway proposed in the 25' setback which is not allowed. Corey Wisneski suggested pivoting the driveway to get that small area out of the 25' setback. Rick Grady said he would revise the plan.

Joe Grady asked how deep the foundation will be; it says a minimum of 12" on the plan. Rick Grady said in the revisions to the building code this is allowed as an option going down 12" with a 31/2" slab. Sam Butcher said there need to be signs to memorialize that the planting area. It was agreed to put signs on posts saying 'Conservation Area' to locate the limits of allowed lawn.

Corey Wisneski pointed out that the project is at 15% coverage and to use caution because no further coverage is allowed. Joe Grady reminded Rick Grady that there are outstanding Orders of Conditions for the decks at this property and that a Certificate of Compliance for the decks should be obtained.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0 to write Orders of Conditions for SE18-1821, 344 Temple Street with a revised plan showing the relocated driveway needed before the Orders are issued.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 33 FREEMAN PLACE,
RAISE HOUSE AND BUILD SEAWALL
SE18-1826**

Scott Zoltowski recused himself from this continued Public Hearing.

Corey Wisneski said this project was discussed at the last meeting but DEP Project Numbers had not been issued; the number is now issued so the Commission can vote to write Orders of Conditions. On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0 to write Orders of Conditions for SE18-1826, 33 Freeman Place.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 30 FREEMAN PLACE;
GRADING AND FILL
SE18-1825**

Scott Zoltowski recused himself from this continued Public Hearing.

Corey Wisneski said this project was discussed at the last meeting but DEP Project Numbers had not been issued; the number is now issued so the Commission can vote to write Orders of Conditions. On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 6-0 to write Orders of Conditions for SE18-1825, 30 Freeman Place.

ADMINISTRATIVE MATTERS

Approval of Minutes:

May 15, 2018: On a motion by Scott Zoltowski, seconded by Sam Butcher, the minutes of May 15, 2018 were approved by a vote of 6-0-0 with minor revisions.

June 5, 2018: On a motion by Corey Wisneski, seconded by Sam Butcher, the minutes of June 5, 2018 were approved by a vote of 6-0 as written.

June 19, 2018: On a motion by Scott Zoltowski, seconded by Sam Butcher, the minutes of June 19, 2018 were approved with minor revisions by a vote of 6-0.

June 19, 2018 Executive Session: On a motion by Scott Zoltowski, second by Sam Butcher, the minutes of June 19, 2018 were approved by a vote of 6-0 as written.

July 10, 2018: On a motion by Corey Wisneski, second by Robb D'Ambruoso, the minutes of July 10, 2018 were approved by a vote of 6-0 as written.

Certificates of Compliance:

SE18-1189; 222 Powder Point Ave: Joe Grady said he has inspected the project, all required documentation has been received, and he recommends Certificate of Compliance be issued for this project. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 6-0 to issue Certificates of Compliance for SE18-1189, 222 Powder Point Ave.

SE18-1268; 222 Powder Point Ave: Joe Grady said this was a vegetation project, the planting was done, all required documentation has been received, and he recommends Certificate of Compliance be issued for this project. On a motion by Scott Zoltowski, seconded by Corey Wisneski, it was voted 6-0 to issue Certificates of Compliance for SE18-1268, 222 Powder Point Ave.

Enforcement, 298 Powder Point Ave: Joe Grady said the parties involved in this project seem close to reaching an agreement so that enforcement may not be necessary and recommends no action be taken at this time.

Farm Proposal: Old Cordwood Path: Joe Grady said that after further investigation it was discovered that the Conservation Restriction on this property does not allow farming so no discussion of this proposal is necessary.

Adjournment: On a motion by Robb D'Ambruoso, seconded by Scott Zoltowski, it was voted 6-0 to adjourn the meeting at 8:35 pm.

MATERIALS REVIEWED AT THE MEETING

RDA Application materials for 98 Candlewicke Close

NOI applications for SE18-1824, SE18-1822, SE18-1827, SE18-1797, SE18-1821, SE18-1826, SE18-1825

Draft Minutes of May 15, 2018; June 5, 2018; June 19, 2018 (regular and executive session); July 10, 2018