



Town of Duxbury Conservation Commission

TOWN CLERK
2019 NOV 20 PM 2:09
DUXBURY, MASS.

Minutes of October 29, 2019

The Duxbury Conservation Commission met on Tuesday, October 29, 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; Scott Zoltowski

Members Absent: Corey Wisneski; Tom Gill

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

The meeting was called to order at 7:03 pm by Vice-chair Robb D'Ambruoso.

CONTINUED PUBLIC HEARING; GREAT CAMANOE LLC; 766 & 782 TEMPLE STREET; ANRAD SE18-1869

Caitlin Nover of BETA group, the Commission's peer reviewer, was present. She said following BETA's first review, the applicant has addressed their comments and submitted revised plans stamped by a professional land surveyor, the missing topographic information was included, and the FEMA flood zone line has been removed because it was not based on a survey. The missing flags were replaced in the field, and on an October 15 site visit the flag locations were confirmed in the field.

Mark Casey, representing the applicant, said this site has a pond with wetlands around it, and 2 perennial streams. There are 3 series of flags that were placed by Brad Holmes, a certified wetlands scientist. Joe Grady said there are Bordering Vegetated Wetlands on 2 sides of the site and 2 Riverfront Areas. There is a FEMA flood zone on the property but this ANRAD process is not designating the flood zone and so the line was removed from the plans.

Mark Casey said the applicant may choose to do a Letter of Map Amendment (LOMA) for this property to ask FEMA to confirm an accurate demarcation of the flood zone; this will be based on topographic and hydrological studies; he expects the 40-44' contour to demark the flood zone as his best guess. The LOMA process can take 30 days to 6 months.

Joe Grady explained that through this ANRAD process the Commission is being asked to confirm where the wetlands are located and what types of wetlands are present on the property. If further work is proposed on the site that is within the Conservation Commission's jurisdiction another filing may come in later and abutters will be notified. If no work within the Commission's jurisdiction is proposed there will be no further presentations to the Commission. As of now there is no project proposed for the site.

Sam Butcher made a motion to accept the wetlands delineation as shown on the September 30, 2019 revision of the plan for SE18-1869, 766 & 782 Temple Street. The motion was seconded by Scott Zoltowski and approved by a vote of 5-0.

**CONTINUED PUBLIC HEARING; BANNER CONSTRUCTION COMPANY; 761 TEMPLE STREET; ANRAD
SE18-1871**

At the request of the applicant, this hearing is being continued in February.

Joe Grady explained that the Commission has a proposal from BETA to do a peer review of this filing but it is on hold. The property is under Chapter 61 and the Town has the Right of First Refusal if a Purchase & Sale agreement is to convert the status from agricultural to another use. The first P&S was found to be flawed and as yet the Town has not received another P&S for this property.

Robb D'Ambruoso advised those in attendance for the hearing that there will be no further notice about this continuation; Joe Grady encouraged interested parties to contact the office closer to February 25 to see if a further continuation has been requested or what the status might be.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 5-0 to continue the hearing for SE18-1871, 761 Temple Street, until February 25 at 7:05 pm.

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 281 CONGRESS STREET; SEPTIC SYSTEM

Freeman Boynton Jr. presented the project. There is an existing tank and leaching field behind the house. This property has a steep hill so a pump chamber and force main are needed. Sam Butcher asked if there is a shorter route and Mr. Boynton said it is too steep and so not practical to use a shorter route. Pumping to a D box and then allowing gravity is the best approach; the pump chamber will have an alarm should anything fail or start to overflow.

Sam Butcher made a motion to issue a Negative Determination for the project at 281 Congress Street such that no Notice of Intent is required for this project. The motion was seconded by Mickey McGonagle and approved by a vote of 5-0.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 114 ALDEN STREET; GARAGE & DRIVEWAY
SE18-1879**

Freeman Boynton Jr. Presented the project. A garage with a guest house above it is being constructed; the soil was tested to determine groundwater level so the tank won't be inundated with groundwater, because of this the building is being set higher. The tank will have 2 compartments, one will be 1000 gallons and one will be a 500 gallon pump chamber to clear the effluent to the leaching field. As part of this project access will be added to a crawl space under the house. Mr. Boynton said that Joe Grady has previously determined that this is an intermittent stream, not a perennial stream.

Holly Morris said the Commission's Regulations don't allow components of a septic system within the 100 foot buffer for new construction; this is a new building and a new pump chamber so they should not be allowed within the 100' buffer. Mr. Boynton said those regulations are for new construction; Holly Morris said this is new construction. Freeman Boynton said if they have to move the pump chamber, it will be harder to service the pump but it can be done. Joe Grady asked if the tank can be moved; Freeman Boynton said yes it can be moved by they have to

raise the garage 1 foot which requires more filling between the garage and the wetlands. Joe Grady suggesting putting the tank near the existing gravel drive.

The Commission discussed what constitutes new construction. Scott Zoltowski said the regulations apply unless there is no alternative; in this case there is an alternative so the project should not be allowed as proposed. Joe Grady said the Orders of Conditions can require the tank to be located outside of the 100' buffer, and a revised plan showing this must be submitted.

On a motion by Robb D'Ambruoso, seconded by Mickey McGonagle, it was voted 5-0 to issue Orders of Conditions for SE18-1879, 114 Alden Street requiring all components of the septic system to be outside of the 100' buffer zone and requiring a revised plan be submitted showing the location of the tank.

**PUBLIC HEARING; CRAVEN; 42 HUCKLEBERRY LANE; ADDITION & DECK
SE18-1881**

Cameron Larson of Environmental Consulting & Restoration presented the project. There is an existing single family home with a gravel drive, an existing patio and porch. The project is to make an addition with a deck to the rear. The addition will have 2 types of foundations, outside the 50' buffer there will be a frost wall, the portion inside the 50' buffer will be on a pier foundation. Any stockpiling of soil will be outside of the 50 foot buffer. All areas will be restored to existing conditions.

Joe Grady recommending conditioning this project so that before a building permit will be signed off on by Conservation, a stamped foundation plan and a plan correcting the date of the wetlands delineation must be submitted.

On a motion by Robb D'Ambruoso, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1881, 42 Huckleberry Lane, with conditions requiring a stamped foundation plan and a revised site plan.

**PUBLIC HEARING; DUXBURY CONSTRUCTION; 80 PILGRIM BYWAY; POOL
SE18-1882**

Freeman Boynton Jr. described the project which is to add a pool that at its closest is 82.8' from the bordering vegetated wetlands. The coverage will increase from 2.9% to 4.8%. All pool equipment will be located outside of the 100' buffer zone. Joe Grady said this project meets the Commission's Rules and Regulations.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 5-0 to write Orders of Conditions for SE18-1882, 80 Pilgrim Byway.

PUBLIC MEETING; TOWN OF DUXBURY; 0 CONGRESS STREET; DAM REPAIR

Joe Grady explained that an earthen dam failed about 2 weeks ago draining two ponds on Route 14. An Emergency Order can be issued for work but only if health and safety are threatened which is not the case here. The DPW will patch the hole though the location is somewhat difficult to get to. The hole will be plugged with clay-like material. Scott Zoltowski asked if there were any downstream impacts and Joe Grady said that there are about 500 acres of wetlands downstream of these ponds that were able to absorb all the water.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0 to issue a Negative Determination such that no Notice of Intent is required for the dam repair at 0 Congress Street.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 612 CONGRESS STREET; ADDITION & GRADING
SE18-1883**

Freeman Boynton Jr. said Duxbury Fitness wishes to add an addition with a 1-story walk-out. The retaining wall will be removed and replaced. The project is 63.3' to the wetlands at its closest point. Drainage calculations have been provided for the roof runoff because this is a commercial project and it is required under the Wetlands Protection Act; only runoff from the area of new construction will be captured.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0 to issue Orders of Conditions for SE18-1883, 612 Congress Street.

ADMINISTRATIVE MATTERS

Certificates of Compliance:

SE18-1770; 174 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 SE18-1770. On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to issue Certificates of Compliance for SE18-1770, 174 Marshall Street.

SE18-1822; 174 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 SE18-1822. On a motion by Scott Zoltowski, seconded by Holly Morris, it was voted 5-0 to issue Certificates of Compliance for SE18-1822, 174 Marshall Street.

SE18-976; 90 Humphries Lane: 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 SE18-976. On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0 to issue Certificates of Compliance for SE18-976, 90 Humphries Lane.

SE18-1783; 93 Abrams Hill: 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 SE18-1783. On a motion by Holly Morris, seconded by Sam Butcher, it was voted 5-0 to issue Certificates of Compliance for SE18-1783, 93 Abrams Hill.

SE18-1762; 66 Lake Shore Drive: 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 SE18-1762. On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 5-0 to issue Certificates of Compliance for SE18-1762, 66 Lake Shore Drive.

Discussion: Dog Walking Permits

Joe Grady said the Commission was provided an earlier draft for review, and this is a second draft that incorporates many of the suggested changes. Town Counsel reviewed the brochure and it was presented to the Board of Selectmen and adopted by the BOS. The fee for residents is \$10 and the fee for non-residents is \$25.

Mickey McGonagle asked if there are plans to enforce this. Joe Grady said there will be signage and this will become effective January 1; it will be implemented over time. A vote of the Commission is needed to accept this on Conservation Land although Town Counsel has ruled that the BOS can adopt regulations for conservation land.

Sam Butcher made a motion to accept the Dog Walking Rules & Regulations to be implemented on Conservation Land. The motion was seconded by Scott Zoltowski and approved by a vote of 5-0.

Discussion: Conservation Land issues

Joe Grady said there are issues with bikes, campout areas, photography requests, and other uses. Scott Zoltowski expressed concerns with the creation of jumps and obstacles for biking; some of them are dangerous and new trails are being cut into the conservation land. Sam Butcher said the proliferation of trails is adding to the fragmentation of space so there is less area for wildlife. Scott Zoltowski said some of the trails and obstacles create a hazard to people and to wildlife; Sam Butcher added it is an intensity of use issue as well. Scott Zoltowski said perhaps there should be a letter to the Clipper reminding people about responsible use of conservation land; Mickey McGonagle said it should be posted. Mickey McGonagle asked if there is adequate staff to do any enforcement and Joe Grady said no.

Joe Grady said the Boy Scout Campground has traditionally been used by the Scouts and homeschool and other groups but many out of town groups are now requesting to use it. The regulations allow use with permission; some groups don't sign up, or copy keys. In terms of photography the Jaycox Tree Farm was somehow publicly identified as a place for portrait photographers and now many are requesting to use it; the addition of electric fence around the tree farm have made it unusable so this issue resolved itself to some extent.

Mickey McGonagle said there is an overuse of resources; and asked if the purpose of Conservation Land is for public use or for preservation. He suggested a discussion be held with the BOS about this situation. Joe Grady suggested a working group or subcommittee. Scott Zoltowski said there are some policy decisions to be made; for instance should parking areas be increased in size for more use or is that contrary to the need to preserve the land and limit use. Scott Zoltowski suggested the Commission get its ideas together and then meet with the BOS. This will be placed for further discussion on an upcoming meeting Agenda.

Executive Session: Scott Zoltowski made a motion to go into Executive Session to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the

CONSERVATION MINUTES

October 29, 2019

Page 6

Approved November 19, 2019

litigating 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 Sam Butcher, and the roll call vote was: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes.

Adjournment: On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0 to adjourn the meeting at 8:47 pm.

MATERIALS REVIEWED AT THE MEETING

NOI Materials for SE18-69; SE18-1879; SE18-1881; SE18-1882; SE18-1883

RDA Materials for 0 Congress Street and 281 Congress Street

Draft Dog Walking Permit brochure