



Town of Duxbury Conservation Commission

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Minutes of December 18, 2018

The Conservation Commission met on Tuesday, December 18, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

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

Members Absent: none

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

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

ENFORCEMENT; 98 HARRISON STREET; SE18-1796

Kevin Grady reviewed the chronology of the situation. In January, Orders of Conditions for the house were issued. Trees were cleared in the Riverfront area beyond the limit of work line. Restoration plans were submitted, and comments were received back from the Commission's consultant Nover-Armstrong, and in response to those comments new plans have been submitted.

Corey Wisneski asked Marta Nover of Nover-Armstrong for her comments. She said the original restoration plan, dated June, was received and she made a site visit to assess the conditions. There is a lot of cutting in the Riverfront area. She spray painted the cut stumps and identified the trees: there were 38 trees of 5" or greater; 86 trees of 1-4" diameter and 11 multistem woody plants. All of this work is in the 100' inner riparian zone. The black cherry stumps are sprouting.

With the revised plan the number of trees proposed for planting increased by 30 and the area for restoration increased. There is lots of area outside the proposed restoration area on the plan that is impacted. The new plan doesn't address the invasive species outside the restoration area and the report doesn't specify how invasive species will be controlled across the entire impact area.

Marta Nover recommended staking out the restoration area at the site and marking where planting is proposed. She noted that there is no proposed restoration in the sight line to the river from the house. The restoration plan proposes replacing 38 cut trees with 45 of which 15 are black cherry, which is not the best species to plant because it is shade intolerant. If sprout maintenance is proposed for the black cherry sprouts, they should be checked for deer damage.

Joe Grady said a site visit by the Commissioners would be helpful to see the amount of cutting that took place. For the permitted house project, the Commission allowed alteration to a Riverfront Area and a the project included a proposed restoration area, but cutting was done in the restoration area. The restoration area proposed with the original Notice of Intent should be separate from the restoration area for the unpermitted cutting. He wants to see a plan showing the diameter, species, and location of trees that were cut. Nover-Armstrong noted more trees

were cut than is shown on the plan. There is no revegetation proposed behind the house where cutting occurred. Some sprout maintenance is proposed, a tree specialist can choose the best sprouts and remove the remainder and they will grow more quickly than newly planted trees because they are fed off the existing root system. Trees proposed for sprout maintenance need to be flagged in the field to see if they are good candidates for this mitigation. Invasive species thrive in this environment so aggressive management in the entire area and not just the disturbed area is necessary.

Scott Zoltowski asked why the Commission has not yet received an inventory of what was cut after it was requested. Kevin Grady said he identified all the trees except those of 1" diameter or less and they are indicated with red markings on the plans. Holly Morris said the plans don't indicate species, Kevin Grady said they are only identified as coniferous versus deciduous. Kevin said John Zimmer was hired to prepare the restoration plan. He said the report says invasive control will occur throughout the restoration area and buffer. Their consultant will oversee the plantings. Staking locations in the field is inefficient and he prefers to give a general layout of where trees are going and then pick random spots to plant. Perhaps it makes sense for Mara Nover and Joe Grady to meet with John Zimmer for further discussion.

Mickey McGonagle said the next steps should be to receive an inventory of cut trees, then do a site visit, and then get responses to Nover-Armstrong's comments. Marta Nover said she has an inventory of the species and diameter of cut trees and she will put it in a spreadsheet and provide it to the Commission. Kevin said this information is already in their report and he will send it again.

Sam Butcher expressed concern about the restoration being a moving target. The Applicant responded to the comments in the October 9 review letter, and he does not want to get in a cycle of more comments for the applicant to respond to and he wondered why the additional comments being made today by the Commission's consultant weren't included by Nover-Armstrong already. Marta Nover said the comments tonight are from the October 22 review letter. Kevin Grady said he didn't believe he had received that letter. Sam Butcher pointed out that John Zimmer was carbon copied on the letter.

Joe Grady said this is the first time the Commission has been able to review this situation and discuss it with property owner and his representative.

A site visit was scheduled for Thursday, December 20 at 8:00 am. The next discussion about this will be on January 8 following the site visit. Corey Wisneski made a motion to continue this discussion until January 8, it was seconded by Scott Zoltowski and approved by a vote of 7-0.

PUBLIC MEETING; CAFFREY; 208 MYRTLE STREET; WATER LINE

Kevin Grady said they had an ORAD that delineated the wetlands and they have maximized setbacks as best they can for the house that was previously permitted. They now want to install a water line near the driveway. Erosion control will be used to mitigate the erosion which is as far from the resource area as is feasible.

On a motion by Corey Wisneski, seconded by Sam Butcher, the Commission voted 6-0 to issue a Negative Determination such that no Notice of Intent is necessary for the water line at 208 Myrtle Street.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 331 BAY ROAD; PIER REPAIR AND RELOCATION

SE18-1846

Freeman Boynton Jr. of Duxbury Construction described the project. There is an existing pier that is in rough shape. If it is kept in the same location as it is now, the vegetated area around the existing float is being disturbed by the float, so they would want to extend it out further. Mr. Boynton discussed the project with Joe Grady and asked about locating the pier perpendicular to the house which would make it about 20' shorter, and that redesign is in process. The new pier will have standard design and will be about 106' in length versus the existing pier at 128'. He will resubmit the plans for the revised design.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 7-0 to continue the hearing for SE18-1846 until January 8 at 7:15 pm.

CONTINUED PUBLIC HEARING; WB BUILDERS LLC; 1 & 25 LINCOLN STREET; ANRAD

SE18-1843

Kyle Devenish of Outback Engineering submitted revised plans in response to comments made by Joe Grady. He added flags to define the buffer zone to a wetlands on a neighboring property, he added flags showing the top of the bank, and he relocated some other flags a few feet. Joe Grady said the revised plan includes all his recommended changes and he recommends approval.

On a motion by Corey Wisneski, seconded by Holly Morris the wetlands lines as shown on the latest plan for SE18-1846 were approved by a vote of 7-0.

PUBLIC MEETING; TOWN OF DUXBURY DPW; POWDER POINT BRIDGE; REMOVE PILING WRAPS

Joe Grady explained that this project is to remove fiberglass wraps from the pilings on the Powder Point Bridge. The Town has negotiated a settlement with the installer of the wraps and the installer will be removing them because they are causing the pilings to rot. A bobcat on rubber tracks and a boat will be used. The debris will be hauled to the parking lots and disposed of in dumpsters.

On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 7-0 to issue a Negative Determination such that no Notice of Intent is required for the piling wrap removal project on the Powder Point Bridge.

Adjournment: On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 7-0 to adjourn the meeting at 7:55 pm.

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1846; SE18-1843

RDA Applications for 208 Myrtle Street and the Powder Point Bridge piling wrap removal

Materials related to Enforcement at 98 Harrison Street