

TOWN CLERK

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DUXBURY, MASS.



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Town of Duxbury Conservation Commission

Minutes of December 19, 2017

The Conservation Commission met on Tuesday, December 19, 2017 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Corey Wisneski, Chair; Sam Butcher; Robb D'Ambruoso; Tom Gill; Scott Zoltowski

Members Absent: Holly Morris; Mickey McGonagle

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

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

**CONTINUED PUBLIC HEARING; SEALUND CORPORATION; 136 & 138 ALDEN STREET;
ANRAD
SE18-1786**

On a motion by Corey Wisneski, seconded by Tom Gill, it was voted 5-0-0 to continue the hearing for SE18-1786 until January 9, 2018 at 7:15 pm.

**CONTINUED PUBLIC HEARING; CHENEY; 59 BEECHWOOD LANE; PIER
SE18-1787**

On a motion by Corey Wisneski, seconded by Tom Gill, it was voted 5-0-0 to continue the hearing for SE18-1787 until January 9, 2018 at 7:20 pm.

**PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 106 HARRISON STREET;
RESERVOIR MAINTENANCE**

Freeman Boynton Jr. of Duxbury Construction described the project representing the Duxbury Yacht Club. There is a problem with water supply to the irrigation system. About 5-6 years ago the reservoir was dredged. The plan is to remove a few trees, dig a hole, remove the material from the hole and use it elsewhere on the site outside the buffer zone. The hole will then be filled with silt from the reservoir, and it will be capped and grass replanted. Robb D'Ambruoso asked why the dredged material isn't used elsewhere on the site rather than digging the hole, and Mr. Boynton replied that the wet material produced from the dredging is very difficult to move. Corey Wisneski asked for an estimate of the amount of material to be removed, and Mr. Boynton estimated 1000 cubic yards. Ms. Wisneski asked if it can be dewatered and Mr. Boynton said it can't be dewatered. Sam Butcher said the silt that is dredged is not structurally sound to use elsewhere at the site, so they dig sand out of the hole and use that and fill the hole with silt. Joe Grady said this process has been permitted for the golf course previously.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to issue a Negative Determination such that a Notice of Intent is not required for the reservoir maintenance at 106 Harrison Street.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 230 MARSHALL STREET; DRIFT FENCE
SE18-1793**

Freeman Boynton Jr. described the project. About a year ago the Commission granted Orders so that a dune could be created between the coastal beach and the fresh water pond; this was done and the dune was planted. Mr. Boynton said that storms have resulted in damage to the beach, and Joe Grady suggested a drift fence might reduce future damage. The fence will be like a picket fence, and will hopefully catch sand and prevent scouring. Joe Grady recommended that more sand be brought in and more beach grass planted. Sam Butcher asked in what direction the sand moves and if additional nourishment is needed, and how the beach will be accessed. Mr. Boynton said the sand moves north to south, and they use a Right of Way to access the beach.

Jim Merlin of 241 Marshall Street said there is snow fence in place now that goes across the Right of Way, and asked if the new structure will cross the Right of Way. Mr. Boynton said the new fence will not cross the Right of Way, it will stop at the lot line. Mr. Merlin asked if the fence will be permanent and what the height is, and whether there will be any encroachment on the Right of Way. Mr. Boynton said the fence is permanent and will be 4' tall on the seaward edge and will not encroach on the Right of Way.

On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 5-0-0 to write Orders of Conditions for SE18-1793.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 54 CHAPEL STREET; GRADING
SE18-1794**

Freeman Boynton of Duxbury Construction LLC described the project. The house will be outside the 100' buffer, and they want to fill in a section of the yard and build a patio in the buffer zone. The patio is 68' from the resource area at its closest point; the lot will remain wooded except for thinning some trees. There is no further expansion of the lawn; grading and landscaping will be done around the building.

Joe Grady asked for a clarification about the removal of trees; Mr. Boynton said they will not be cutting any more than 1 or 2 of the 15 or 20 trees that are there. Scott Zoltowski asked what the patio is being constructed of, Mr. Boynton said it will be impervious, but only covers a small amount of the 100' buffer.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to write Orders of Conditions for SE18-1794, 54 Chapel Street.

**CONTINUED PUBLIC HEARING; BRIDGESTONE DEVELOPMENT INC.; 74 BAY ROAD;
ANRAD
SE18-1788**

Joe Grady reminded the Commission that the wetlands on this site were flagged but then the flags were removed, so the applicant had it reflagged and Joe Grady walked the property with the applicant's wetlands scientist. Joe Grady confirmed the lines as shown on the plan are accurate.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0-0 to accept the wetlands lines as shown on the ANRAD filed for 74 Bay Road, File #SE18-1788.

CONTINUED PUBLIC MEETING; UTE REALTY TRUST; 44 POWDER POINT AVE; NO WORK PROPOSED (CHAPTER 91 LICENSE)

Joe Grady reminded the Commission that he had some questions regarding the wetlands shown on the plan, and he met on site with the applicant. They reached agreement and a new plan has been submitted. There is no work being done, this is part of the process to get a Chapter 91 license, and he recommends a Negative Determination.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to issue a Negative Determination for this filing.

CONTINUED PUBLIC HEARING; SULLIVAN; 307 BAY ROAD; PIER SE18-1791

Joe Grady reminded the Commission that at the last meeting, there was a discussion about the best location for this pier and the applicant and Commission reached agreement that the pier should remain located as it is currently situated. New plans have been submitted, and he recommends the Commission write Orders of Conditions.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to write Orders of Conditions for SE18-1791.

CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 298 POWDER POINT AVE; SEAWALL SE18-1792

Freeman Boynton Jr. was present, representing the Langeland's. He said the Langeland's and Chase's decided to build seawalls, but now can't agree about the walls and access and other issues. The Langeland's are likely not going to proceed with building their wall, but feel damage has been done to their property, and he will restore and restabilize and revegetate however the parties choose to proceed. The Langelands want to withdraw this filing. Mr. Boynton was reminded to withdraw the project from Mass DEP as well.

Brooks Chase of 290 Powder Point Ave said he wants to have the bank stabilized as soon as possible.

Mr. Boynton submitted a written request to Chairman Wisneski asking that the project be withdrawn. On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0-0 to accept the withdrawal of SE18-1792, 298 Powder Point Ave.

ENFORCEMENT: 700 BAY ROAD

Joe Grady reviewed the history of the enforcement action at this address. Vegetation had been cut in the wetlands in in the buffer zone at 700 Bay Road. An Enforcement Order was issued on July 19, 2017, a remediation plan was submitted and the Commission voted to approve the remediation plan on August 24. On December 11, the office received a report from Brad Holmes about the wetland and buffer zone restoration. Joe Grady recommended the Commission vote to confirm the work was done in compliance with the Remediation Plan.

Corey Wisneski made the following motion:

To accept the Restoration Plan Report and confirm the work was done in compliance with the Remediation Plan. The property owner is required to replace any plantings that die for the next 2 growing seasons. No work other than maintaining the plantings is allowed in the Bordering Vegetated Wetland or within the 25-foot buffer zone and any further proposed work more than 25 feet but less than 100 feet from the resource area requires filing with the Conservation Commission.

The motion was seconded by Sam Butcher and approved by a vote of 5-0-0.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0-0 to suspend the fine that was previously voted for this violation because of the complete and immediate response to the Enforcement Order.

ADMINISTRATIVE MATTERS

CERTIFICATES OF COMPLIANCE:

SE18-1778; 24 Hicks Point Road: Joe Grady reported that he has inspected the site and has all required documentation and plans and he recommends issuing Certificates of Compliance for SE18-1778. On a motion by Tom Gill, seconded by Sam Butcher, it was voted 5-0-0 to issue Certificates of Compliance for SE18-1778, 24 Hicks Point Road.

SE18-1761; 37 Fort Hill Lane: Joe Grady reported that he has inspected the site and has all required documentation and plans and he recommends issuing Certificates of Compliance for SE18-1761. On a motion by Sam Butcher, seconded by Scottt Zoltowski, it was voted 5-0-0 to issue Certificates of Compliance for SE18-1761, 37 Fort Hill Lane.

SE18-1693; 46 Winsor Street. Joe Grady reported that he has inspected the site and has all required documentation and plans and he recommends issuing Certificates of Compliance for SE18-1693. On a motion by Robb D'Ambruoso, seconded by Sam Butcher, it was voted 5-0-0 to issue Certificates of Compliance for SE18-1693, 46 Winsor Street.

CONSERVATION FUND EXPENDITURE:

Joe Grady explained that a Purchase and Sales agreement has been signed for the William property on Church Street, and a plan is needed for reference in the Town meeting vote because part of the land will be deeded to the Water Department (the land abuts two future well sites).

Robb D'Ambruoso made the following motion: to approve the expenditure of an amount not to exceed \$15,000 from the Conservation Fund to pay for a survey and plan of Duxbury Assessor's Parcel #088-022-000 for presentation to the Duxbury Town Meeting. The motion was seconded by Sam Butcher and approved by a vote of 5-0-0.

VOTE OF SUPPORT FOR LAND ACQUISITION PROJECT:

Joe Grady explained that the Commission has previously voted to support the purchase of the Williams property, but at the time it was believed that a portion of the purchase would be funded using affordable housing funds. There is no longer a housing component and instead funds from the CPA Open Space Reserve will be used, so it is

necessary to again vote to move this project forward identifying the appropriate funding sources.

Robb D'Amburoso made the following motion:

Motion to recommend to the Duxbury Town Meeting a project to purchase ±21.61 acres of land on Church Street consisting of two lots, Assessor's Property ID 088-038-000 (±1.08 acres) and Assessor's Property ID 088-022-000 (20.53 acres) for a total cost of \$1,500,000 for open space, water supply, and water treatment purposes, with \$900,000 to come from the CPA Undesignated Fund and \$200,000 to come from the CPA Open Space fund and \$400,000 to be contributed from a Water Enterprise fund. The Town Manager is authorized by this vote to enter into a Purchase and Sale agreement contingent on Town Meeting approval.

The motion was seconded by Sam Butcher and approved by a vote of 5-0-0.

Adjournment: On a motion by Sam Butcher, seconded by Robb D'Amburoso, it was voted 5-0-0 to adjourn the meeting at 7:45 pm.

MATERIALS REVIEWED AT THE MEETING

RDA materials for 106 Powder Point Ave; 44 Powder Point Ave

NOI materials for SE18-1786, SE18-1787; SE18-1788; SE18-1791; SE18-1792; SE18-1793; SE18-1794

700 Bay Road Restoration Plan Report