



Town of Duxbury

Conservation Commission

Approved April 15, 2014

TOWN CLERK

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DUXBURY, MASS.

Minutes of March 18, 2014

The Conservation Commission met on Tuesday, March 18, 2014 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Thomas Gill, Vice-Chair; Sam Butcher, Dianne Hearn; Barbara Kelley, Holly Morris,

Members Absent: Joe Messina, Corey Wisneski

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

The meeting was called to order by Vice-Chairman Tom Gill at 7:00 PM.

ADMINISTRATIVE MATTERS:

Minutes: On a motion by Sam Butcher, seconded by Dianne Hearn, it was unanimously voted 5-0 to approve the minutes of February 25, 2014 with the following corrections: correct the spelling of Sam Butcher's name on page 2 and remove the phrase 'who is not part of the quorum for this hearing' from the first sentence of the sixth paragraph on page 3 of the draft minutes.

Certificate of Compliance: Plett, 276 Franklin Street, SE18-40.

Joe Grady reported that he has visited the site and the project conforms to the Orders of Conditions.

On a motion by Sam Butcher, seconded by Holly Morris, the Commission unanimously voted 5-0 to issue a Certificate of Compliance for DEP File SE18-40.

Certificate of Compliance: Spellman, 61 Ocean Road North, SE18-668.

Joe Grady reported that he has visited the site and the project conforms to the Orders of Conditions.

On a motion by Barbara Kelley, seconded by Sam Butcher, the Commission unanimously voted 5-0 to issue a Certificate of Compliance for DEP File SE18-668.

CONTINUANCE OF PUBLIC HEARING, SAN MARCO, 48 GRANDVIEW, PIER DEP FILE SE18-1636, 7:05 PM

Joe Grady reported that he has received 3 proposals for a consultant for this project. His recommendation is to hire Nover-Armstrong Associates; the cost is \$2,200. On a motion by

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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.

Dianne Hearn, seconded by Sam Butcher, it was unanimously voted 5-0 to authorize the hiring of Nover-Armstrong Associates to provide consulting services for \$2,200.

**PUBLIC HEARING, REED, 120 PATTEN LANE, HOME, DECKS, AND LANDSCAPING,
DEP FILE SE18-1665, 7:10 PM.**

Present to represent the applicant was Stan Humphries, Coastal Geologist for LEC Environmental; accompanied by the Landscape Architect and Project Architect. The parcel is a 6.5 acre parcel with wetlands seaward and landward of the developed parcel that experiences coastal storm flowage. There is an existing 1-story structure with a solid wall foundation. The new 1-story building will be built on concrete piers with the first floor 4 feet above floodplain elevation; 750 cubic yards of fill will be placed around the dwelling. There will be a 1-foot layer of cobble-sized stone under sand fill in front of the dwelling, reconstruction of the parking area, a step entrance, and two decks, one seaward and one landward of the dwelling. The size of the proposed structure is about half the size of the existing structure.

Joe Grady commented that they are adding additional decking within the 35-foot setback; what they currently have is grandfathered but additional decking on the coastal bank is not allowed.

Sam Butcher asked where the overwash sand is going to go and what the source of it is. The source was identified as material landward of the stone wall, with little coming off the beach, and that it flows in to the parking area. Sam Butcher further asked if after regrading there will be less sand washing into the parking area, and if the dune grass will help secure the sand. Stan Humphries said that as part of a separate project, the stone revetment may be made less steep and will gain some height which will reduce the amount and frequency of overwash, but some is still expected. Now there is no vegetation between the house and the front of the revetment; adding vegetation should lessen the issues.

Sam Butcher asked about whether wave action on the wall will lead to instability of the wall. Joe Grady reminded the Commission that there are currently existing Orders of Conditions allowing for maintenance of the wall, including removal of cement to create a rougher surface. Whether to reduce the slope of the wall is being considered, but it will put the top of the wall closer to the structure so the slope may not be changed. The plan is to remove the chinking in the wall and to add stones to the top.

Stan Humphries commented that the addition of the top stones will allow for a change in the slope of the wall, and the added height will enable the addition of fill below the existing house.

Sam Butcher asked if moving the top of the wall back will also move back the 35' buffer. He believes it is not possible to approve the project as the plans are drawn until the top of the wall is finished or there is a confirmation that it won't change. He is concerned with the stability of the wall as erosion continues.

Joe Grady asked questions about the depth of the pilings for the new house and was told they will be deep to address any erosion issues.

Tom Gill commented that the deck on the seaward side of the wall is beyond the existing building and in the 35' setback. Sarah Weihman of Studio 2112 said the corners of the deck are exactly where the current deck is; the additional deck is set further back and is not closer to the coastal bank. Joe Grady pointed out that drawings show a new triangular piece of deck inside the

35' setback; the response from the applicant's representative was that it was added to improve the circulation of people in and through the house.

Holly Morris asked about the location of the septic system and was told the existing septic is behind the building and will have a new connection but they will be using the existing system. The parking area will be raised up a foot.

Sam Butcher asked for calculations of how much of the structure is in the buffer now and how much is proposed to be in the buffer with the new structure. The applicant's representative said these calculations have not yet been done, though it was pointed out that they are reducing the square footage in the buffer zone substantially; Mr. Butcher said the net reduction makes him a bit more comfortable with the addition of the deck. He asked about the foundation and was told the footings are connected with a subgrade perimeter connection. Joe Grady pointed out that this is not a barrier beach and therefore not subject to the regulations about the pier foundation.

The discussion was opened to questions and comments from the audience. Sean Jensen expressed his concerns about this being a vulnerable area and that the house is overwashed and damaged every year. He believes this is building a new house and not reconstruction on an existing foundation because they are replacing the existing foundation. Letters of concern have been sent to the Commission and a site visit is strongly recommended. There have been approximately 25 trucks of sand going through each day unloading sand and disrupting the neighborhood. Additionally, tree removal has changed the drainage and the shoreline, and the wetlands have disappeared.

Resident Francis Burns commented that many trucks are going by with lots of fill, and she is concerned that one large storm will cause all of the fill to disappear. She is concerned that the Standish Shore is being reconfigured.

Carol Langford, from an abutting property, is concerned about how many trucks of sand will be part of this project; she was told it would be about 750 yards or 20 trucks.

Joe Grady said he has been watching the changes along this shoreline for 30 years and is familiar with the damage done by storms. He believes wave action on the walls has caused the salt marsh to disappear over over the last 10 years, particularly because of the vertical nature of the walls that don't allow wave energy to dissipate. He encourages the flattening of the walls to let the waves run up and run back and thereby dissipate energy. The salt marsh helped stop the erosion of the dunes but the marsh is almost gone so more erosion occurs.

The dunes themselves are one of the types of wetlands that are protected. Because so much of the shoreline is armored, there is no sediment to nourish beaches. Bringing truck loads of sand is building a type of wetland, which is done at the big beach in Duxbury where last year 19,000 cubic yards of material was used to fill low areas.

It is Mr. Grady's belief that this proposal won't make the situation at Standish Shore worse or better; and that bringing in sand helps everyone. He suggested the Commission consider a site visit.

Resident Sue Coombs asked if the sand being brought in will hurt the ecology of the bay. Mr. Grady replied that no, there is no reason to be concerned about covering the salt marsh because in that vicinity there is no salt marsh. The sand is good for spat to connect on in shellfish flats – spat can't collect on smooth surfaces and adding sand lets the seeds connect better. In

response to a follow-up question, Mr. Grady explained that the sand comes from quarries in Plympton and Carver. Ms. Coombs said she was told by a geologist to match the sands; Mr. Grady said that generally, yes the grains should match within a certain range.

Acting Chairman Gill made a reminder that the Commission's role is to see if the application meets the regulations. He said the Commissioners will make a site visit and make a decision later.

Jeff Fleming of Mayflower Road asked if the trucks would be smaller than have previously been used and if they will go down Goose Point Lane; Stan Humphries said yes, the trucks will use Goose Point Lane.

A Mayflower Road resident asked if the Commission can require a change in the pitch of the revetment. Sam Butcher reminded everyone that the wall is not part of this application, however changes in the wall may result in changes to the 35 foot setback limit if the top of the wall moves. Mr. Butcher does want a clarification of the amount of the project that now is in the 35 foot buffer zone and how much will be within the 35 foot buffer zone after construction.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was unanimously voted 5-0 to continue the hearing to Tuesday, April 15 at 7:15 p.m.

**PUBLIC HEARING, GOODMAN AND BEACON COMMERCIAL SERVICES, ISLAND CREEK NORTH, 23, 30, 40, AND 42 TREMONT STREET; RESIDENTIAL APARTMENTS AND APPURTENANCES
DEP FILE SE18-1667, 7:20 PM**

The hearing began at 8:00 pm. Brian Madden of LEC was present to represent Beacon LLC; Darren Grady of Grady Engineering was also present. This project is Island Creek Village North; Island Creek Village East and West have already been constructed. This project consists of one age 55+ apartment building and 3 non age-restricted buildings, with upgrades to roadways and the existing infrastructure. Most of the project falls outside the buffer zone.

The north and southeast corners are located in the buffer zones. As part of this project which is permitted under a Comprehensive Permit, the existing access is being reconfigured. The roadway is 65 feet from the bogs and the dumpster is 57 feet away.

The proposed work involves erosion control barriers along the East roadway and shifting the dumpster 5 feet to the west. The dumpster will be bermed and sloped. Storm water will go to a trap and drywell system. To the north, there will be a paved turnaround and a dumpster. The area will be loamed and reseeded with native vegetation, and bermed and sloped for storm water. The storm water basins are partially located in the bordering vegetated areas.

To the northwest of the site, at the age 55+ apartment building, there is a small corner that falls within the 100 foot buffer zone, with approximately 350 square feet within the buffer zone, and the closest point being 81.7 feet away. The impervious surfaces within the buffer zone are less than 15% of the area. There will also be a walking trail consisting of stone dust.

All storm water management is being done according to DEP regulations and was reviewed as part of the original application.

Joe Grady pointed out the parts of the project in the Conservation Commission's jurisdiction. Typically there would be a review of the drainage calculations, but for this project there is no discharge off site to the wetlands and everything is contained on the property. He is comfortable with the previous review and the answers to questions he has asked of the applicant's engineer.

On a motion by Holly Morris, seconded by Sam Butcher, it was unanimously voted 5-0 to write Orders of Conditions for SE18-1667.

**PUBLIC HEARING; NORRIS; 53 OCEAN ROAD NORTH; ELEVATE EXISTING STRUCTURE, ADDITIONS, DECKS, AND SECOND STORY
DEP FILE SE18-1664, 7:30 PM**

The hearing began at 8:12 pm. Donald Norris, the homeowner, and Richard Savant, the engineer, were present. This structure is partially in a velocity zone and partially in an AO zone. The project will involve putting the structure on piers, resulting in a loss of the basement living space, and addition of a second story. There is a minimal increase in space.

There is a basement storage area shown on the plans that will be used for utility access; the homeowner also wants to keep the existing staircase. Joe Grady said there can be no increase in square footage in the velocity zone. Joe Grady asked if the basement enclosure is included in the square footage. In order to conform, the space needs to be less than about 107 square feet; it currently is larger than this. Mr. Norris said the storage area is incidental and for utility access; Mr. Grady pointed out that an 8.5 x 21 square foot room is not needed for water and sewer utility service.

Joe Grady said that in the velocity zone, waves 3 feet and greater come through and wave damage is getting worse. The applicant is putting the house on pilings, yet planning to have storage in the flood zone. The area should be enclosed with lattice but needs to be reduced in size to meet the square footage restrictions.

Sam Butcher suggested the permit could be issued if the storage area was reduced. The engineer needs to reduce the size, recalculate the square footage in the velocity zone, and stamp the plan.

Sam Butcher made a motion to write Orders of Conditions for 53 Ocean Road north pending receipt of a plan amending the existing plan such that the proposed square footage of the building does not increase within the velocity zone from the existing condition. The motion was seconded by Dianne Hearn and was unanimously approved with a 5-0 vote.

Adjournment: On a motion by Sam Butcher, seconded by Dianne Hearn, it was unanimously voted 5-0 to adjourn the meeting at 8:30 PM.

MATERIALS REVIEWED AT THE MEETING

NOI Application and materials for SE18-1665

NOI Application and materials for SE18-1667

NOI Application and materials for SE18-1664

Certificate of Compliance for SE18-40

Certificate of Compliance for SE18-668

Draft Minutes of February 25 meeting

Respectfully Submitted, Susan Ossoff