



Approved June 3, 2014

TOWN CLERK

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DUXBURY, MASS.

# Town of Duxbury

## Conservation Commission

### Minutes of May 20, 2014

The Conservation Commission met on Tuesday, May 20, 2014 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Tom Gill, Acting Chair; Sam Butcher, Dianne Hearn; Barbara Kelley, Corey Wisneski

**Members Absent:** Joe Messina, Holly Morris

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

The meeting was called to order by Acting Chairman Tom Gill at 7:07 PM.

#### **PUBLIC MEETING: BOWEN, 38 KING CAESAR, INSTALL UNDERGROUND UTILITIES TO INCLUDE WATER AND ELECTRIC BY UTILIZING DIRECTIONAL BORING, 7:00 PM**

At 7:07 PM Freeman Boynton representing Steven and Deborah Bowen, presented the project which is to use directional boring to install water and electric service to a pier. The boring will be done towards the pier and the lines will be pulled back towards the house. The hole will be about 2' x 2' on either side of the road, the boring will be done under the road and the conduit placed and the holes filled back in. Joe Grady said this process will result in little impact to wetlands.

On a motion by Sam Butcher, seconded by Dianne Hearn, the committee voted 5-0-0 to issue a Negative Determination so that a Notice of Intent is not required for the proposed project of installing utilities to a pier by using directional boring.

#### **CONTINUANCE OF PUBLIC HEARING, SANMARCO, 48 GRAND VIEW AVENUE, 7:15 PM SE18 - 1636**

At 7:17 PM, at the request of the applicant, and on a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 5-0-0 to continue SE18-1636 until July 15, 2014 at 7:05.

#### **PUBLIC HEARING, BAYSTON, 43 POND ROAD, ADDITION WITH SITE GRADING, 7:20 PM SE18 - 1668**

At 7:25 PM, Steve Kotowski of Webby Engineering representing Robert and Elizabeth Bayston described the project which is an addition to the side of the existing dwelling and a porch. The closest proximity is 93' from the wetlands.

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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.

Joe Grady had discussed this project with the homeowner who had mentioned removing trees to make a yard area. Mr. Kotowski said the homeowner has decided to do the addition and will file a NOI in the future should he decide to do the landscaping. The applicant's neighbors Richard and Nancy Heath of 37 Pond Road spoke to say they are in favor of this project.

On a motion by Barbara Kelley, seconded by Dianne Hearn, it was voted 5-0-0 to write Orders of Conditions for SE18-1668.

**PUBLIC HEARING, HARKNESS, 45 OLD COVE ROAD, FOUNDATION FOR AN EXISTING STRUCTURE, 7:25 PM  
SE18-1670**

At 7:29 PM, John Palmstrom representing the applicants, Sarah and Charlie Harkness, described the project which is to add a full foundation to the house with no additions or alterations to the house. They will dig some holes around the perimeter to shore up the building, and beyond that all the excavation will be done under the building. The foundation will be an 8 feet deep concrete foundation with 10" thick walls. Any extra material will be trucked off site. Hay bales and silt fence will be placed at the limit of work. Sam Butcher asked how long it would take to get the foundation in, and Mr. Palmstrom answered 6-8 weeks.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 5-0-0 to write Orders of Conditions for SE18-1670 at 45 Old Cove Road with the limit of work line to be 20' off the existing structure..

**PUBLIC HEARING, NOONE, 81 GURNET ROAD, REMOVE EXISTING CONCRETE DRIVEWAY SURFACE AND REPLACE IT WITH CONCRETE PAVERS, 7:30 PM  
DEP FILE SE 18-1669**

At 7:35 PM, Rick Savant, representing the applicant Anne Noone, TTE of MMK Realty Trust, presented the project. The home has a concrete drive that is in disrepair and has drainage issues. The proposal is to remove the concrete and replace it with permeable pavers, and also to widen the driveway to a uniform width. Also a landing will be placed to the side to provide access to the driveway with two new steps and a landing also made of permeable pavers.

Joe Grady pointed out that the proposed square footage will be 1842 square feet versus the current 1382 square feet. In that zone 500 square feet of coverage is allowed although this property will be grandfathered at the existing 1382 square feet, but no increase is allowed.

Joe Grady said regarding the coverage, the issue is not permeability but the amount of hard surface. The applicant asked if crushed shells would be OK to use. Sam Butcher suggested if the wider shape of the driveway is important, it might be possible to use crushed stone for the square footage above the allowable limit. Other possibilities were to put a grass strip in the middle of the driveway, or have it stop short of the street.

Tom Gill recommended to the applicant that he prepare a final plan with a reconfigured driveway that stays within the 1382 square feet of coverage that is allowed. The applicant will discuss the options with the homeowners and will submit a revised plan to the Commission.

On a motion by Tom Gill, seconded by Sam Butcher, the Committee voted 5-0-0 to continue the hearing for SE18-1669 until June 3 at 7:02 PM.

**ADMINISTRATIVE MATTERS:**

**Minutes:** On a motion by Sam Butcher, seconded by Corey Wisneski, the minutes of May 6, 2014 were approved by a vote of 5-0-0.

**ZBA Action 2014-0019**

Joe Grady described the proposed work on a lot next to the Crowell Cranberry Bog (parcel #070-005-001) in the WPOD. The WPOD (Wetlands Protection Overlay District) includes uplands to protect the wetlands and was implemented in 1971.

For this project, the proposal is to elevate the area with fill to bring it out of the WPOD so there can be two house lots. The Building Inspector denied the permit and the applicant appealed the denial.

Sam Butcher asked about how elevation works in the overlay district. In some places, the line on the map is defined by elevation. If the land is filled, and resurveyed, the line may move. Joe Grady said he does not support this type of action; Tom Gill added that he felt it is important to say no to prevent setting any precedent that filling for this purpose is acceptable.

On a motion by Barbara Kelley, seconded by Corey Wisneski, the Commission voted 4-0-1 with Tom Gill, Dianne Hearn, Barbara Kelley and Corey Wisneski voting yes and Sam Butcher abstaining to accept the language in the draft memo which is:

"The Conservation Commission affirms the denial by the Director of Municipal Services on April 15, 2014 of a building application proposing to subdivide parcel #070-005-001 and create a second lot by elevating a portion of the lot by adding fill to remove it from the Watershed Overlay Protection District, which is in direct conflict with the purposes of protecting groundwater and environmentally sensitive wetland areas.

**523 Washington Street Violation Update:** Joe Grady provided an update on the enforcement order for 523 Washington Street where sand had been placed on marsh to create a beach, stones relocated, and a wheelbarrow or other equipment rolled over the marsh. Freeman Boynton of Duxbury Construction, representing the property owner, proposed to use a vacuum truck at the site to suck the sand off the marsh which may let the marsh recover quickly. This will be done via the neighbor's driveway.

Joe Grady suggested that although the enforcement letter had required an NOI, that in this case it might make more sense to do the work quickly to let the marsh recover before any additional damage is done. He suggested the homeowners be fined \$300 but that the work be allowed to proceed quickly without a Notice of Intent being filed.

Sam Butcher commented that the concern is for the wetlands and getting them restored as soon as possible, and supported letting the proposed remediation go forward and also impose the fine.

On a motion by Sam Butcher, seconded by Dianne Hearn, the Commission voted 5-0-0 to allow Duxbury Construction to remove the sand that was illegally placed on the marsh using a vacuum truck and to have the Commission assess a fine of \$300.

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**Adjournment:** On a motion by Tom Gill, seconded by Barbara Kelley, it was unanimously voted 5-0-0 to adjourn the meeting at 7:53 PM.

**MATERIALS REVIEWED AT THE MEETING**

Request for Determination of Applicability (RDA) materials for 38 King Caesar Road

Notice of Intent (NOI) materials for SE 18-1668, 43 Pond Road

Notice of Intent (NOI) materials for SE 18-1670, 44 Old Cove Road

Notice of Intent (NOI) materials for SE18-1669, 81 Gurnet Road

Draft minutes of 4/06/2014 Conservation Commission Meeting

Draft memo and supporting materials for ZBA Action 2014-0019

Respectfully Submitted, Susan Ossoff