

Approved 12/02/14

TOWN CLERK

14 DEC -3 AM 11:02

DUXBURY, MASS.



Town of Duxbury

Conservation Commission

Minutes of November 4, 2014

The Conservation Commission met on Tuesday, November 4, 2014 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Joe Messina (arrives 7:10); Sam Butcher; Tom Gill; Barbara Kelley; Holly Morris

Members Absent: Dianne Hearn; Corey Wisneski

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

The meeting was called to order at 7:00 PM. by Acting Chair Tom Gill

EXECUTIVE SESSION

Tom Gill made a motion at 7:00 PM to go into Executive Session to consider the taking, purchase, exchange, lease or value of real property because such discussion may have a detrimental effect on the negotiating position of the governmental body; and to reconvene in open session in accordance with Mass. General Laws Chapter 39, Section 23B, Subsection 6. The motion was seconded by Sam Butcher. The roll call vote was: Sam Butcher, yes; Tom Gill, yes; Barbara Kelley, yes; Holy Morris, yes.

CONTINUED PUBLIC HEARING; NAEGELIN; 0 NORTH STREET; SINGLE FAMILY HOME;

7:05 PM

SE18-1683

Paul Brogna representing the Naegelin's described the project which is to build a 4 bedroom house on a 98,000 square foot lot with a perennial stream, riparian zones, and bordering vegetated wetlands. An option analysis was prepared by Paul Shea; 3 alternatives were considered which are: the preferred plan which is being presented, downsize or move the house closer to the street, or not build.

Joe Grady expressed concern about whether there is the required 40,000 square feet of upland to have a buildable lot. There is a 200 foot protective zone around any perennial river. The proposed plan has no back yard and construction this close to the riverfront area is of concern. If more than 5000 square feet of riverfront area are to be altered, a wildlife analysis is required; the plan says 2700 square feet is being altered, but with the backyard included it may exceed the 5000 square foot threshold.

Joe Grady suggested the house and septic system could shifted further from the river. He also said the Alternatives Analysis is not dated or signed or stamped and makes no reference to the plan being reviewed for the analysis.

Mr. Brogna said he will relocate the house to be closer to the street and maximize the distance of the house to the outer riparian zone; the septic system can be moved 100% out of the outer riparian zone.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5471; Fax: 781-934-1137

Mr. Brogna said he will get revised plans and information to the Conservation Office 2 weeks ahead of the date of the continued hearing so Joe Grady will have time to review it before needing to distribute it to the Commissioners.

On a motion by Tom Gill, seconded by Barbara Kelley, it was unanimously voted 5-0-0 to continue the hearing for SE18-1683 until Tuesday, December 7 at 7:20 PM.

PUBLIC MEETING, DUXBURY CONSTRUCTION; 26 ELDERBERRY LANE, SEPTIC TANK, 7:10 pm

Freeman Boynton representing Ann Trembley presented the project which is to install a septic tank and pump chamber within the 100 foot buffer zone; the rest of the system is outside the buffer zone. Joe Grady explained that the Board of Health has been asked for a variance for separation to the groundwater. Depending on the soils the separation is normally 5-6 feet; they are asking for 3' with this system. Mr. Boynton explained they are using a low profile structure.

On a motion by Holly Morris, seconded by Sam Butcher, it was unanimously voted 5-0-0 to issue a Negative Determination so that a Notice of Intent is not required for the proposed project as described in the filed RDA at 26 Elderberry Lane.

PUBLIC MEETING; EDDY; 74 BAY ROAD; CLEAR BRUSH AND TREES, 7:15 PM

Applicant Darin Eddy owns property that has been farmed for over 100 years. The project is to clear some previously farmed land in order to expand his farming operation. Joe Grady said the Commissioners have information from 310 CMR Section 10.04 (b)5 of the regulations. This type of work is allowed in the bordering vegetated wetlands for agricultural purposes.

On a motion by Tom Gill, seconded by Sam Butcher, it was unanimously voted 5-0-0 to issue a Negative Determination so that a Notice of Intent is not required for the proposed project as described in the filed RDA at 74 Bay Road.

**CONTINUED PUBLIC HEARING; HOFFMAN; 5 CONGRESS STREET, SINGLE FAMILY HOME, 7:25 PM
SE18-1675**

Rick Grady of Grady Engineering, Attorney Bob Galvin, and applicant Garth Hoffman were present. Rick Grady presented the revised plans for a single family house. Details have been provided on the driveway drainage; the use of porous pavement with a crushed stone base is proposed. In addition coverage calculations have been provided with the pervious pavement not included.

Joe Messina expressed concerns about the dike which lacks setbacks and is not a driveway; it is on top of a resource area and was approved as an agricultural access.

Joe Grady reviewed comments about the project from the DEP, and said that when the dike was proposed the landowner said the dike was for tailwater recover which exempted it from the Wetlands Protection Act. If built for any other purpose it was a wetlands violation. As soon as it was built the dike was blocked off to prevent any vehicular use.

Mr. Hoffman commented that the lot was approved through the ANR process in 2006 which means it has to have adequate area and frontage, and upland access is required for ANR approval. Mr. Galvin said this is an existing roadway. He asked for a continuance to be able to invite Mr. Crowell, who constructed the dike, to attend the meeting.

Abutter Neil Doherty of 8 Pheasant Hill said that a barrier was put up to prevent traffic right after the dike was constructed and was not moved until Mr. Hoffman bought the property, he had additional concerns about the ability of emergency vehicles to access the site. Mike Quinlan of 10 Pheasant Hill Lane confirmed it was not used for vehicles and that Mr. Hoffman has been clearing it starting on August 2 of this year. Laurie Hall of 175 Abrams Hill expressed concern over any filling on the land and the how a foundation could be built there because of the topography.

On a motion by Barbara Kelley, seconded by Sam Butcher, it was voted 5-0-0 to continue the hearing for SE18-1675 until Tuesday, December 2 at 7:25 PM.

ADMINISTRATIVE MATTERS:

Certificates of Compliance; SE18-1622; 9 Surfside West

Joe Grady reported that the applicant has asked to postpone this.

Certificates of Compliance; SE18-1255; 20 Bradford Road

Joe Grady said this is in compliance and recommends a Certificate of Compliance be issued.

On a motion by Tom Gill, seconded by Joe Messina, it was unanimously voted 5-0-0 to issue Certificates of Compliance for SE18-1255, 20 Bradford Road.

Certificate of Compliance; SE18-1295; 171 Bolas Road

Joe Grady reported that all issues at this site have been resolved, restoration has been done to the buffer zone and he recommends a Certificate of Compliance be issued. On a motion by Sam Butcher, second by Barbara Kelley, it was unanimously voted 5-0-0 to issue Certificates of Compliance for SE18-1295 171 Bolas Road.

Mutt Mitt Waste System proposal

Joe Grady reported that the Town Manager and Board of Selectmen want to implement a dog waste collection system for open space areas. Joe is getting an updated price for this service and will bring it back to the Commission for consideration at the December 2 meeting.

Open Space Representative

The Open Space Committee has sent a letter to the Conservation Commission asking that a Conservation Commission member serve on Open Space. None of the Commissioners has the time available and most already serve on other boards or committees.

Tree Bylaw

The language of a proposed tree bylaw has been distributed to the Commissioners. The Commission is not taking any action in terms of a recommendation and will leave any action to a vote of Town Meeting.

CONSERVATION MINUTES

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Minutes: The Commission discussed the meeting minutes and suggested they should be more concise.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was unanimously voted 5-0-0 to approve the minutes of September 23, 2014 as written.

On a motion by Barbara Kelley, seconded by Sam Butcher, it was unanimously voted 5-0-0 to approve the minutes of October 7, 2014 as written.

Adjournment: On a motion by Sam Butcher, seconded by Joe Messina, it was unanimously voted 5-0-0 to adjourn the meeting at 8:55 PM.

MATERIALS REVIEWED AT THE MEETING

26 Elderberry Lane RDA application materials

74 Bay Road RDA application materials

Draft Minutes of September 23, 2014 and October 7, 2014

Proposed Tree Bylaw

Letter from Open Space Committee