



# Town of Duxbury

## Conservation Commission

Approved 3/24/2015

TOWN CLERK

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DUXBURY, MASS.

### Minutes of February 24, 2015

The Conservation Commission met on Tuesday, February 24, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Chairman Joe Messina; Sam Butcher; Tom Gill (arrives 7:05); Dianne Hearn; Holly Morris

**Members Absent:** Barbara Kelley, Corey Wisneski

**Staff Present:** Susan Ossoff, Administrative Assistant

**Staff Absent:** Joe Grady, Conservation Administrator

The meeting was called to order at 7:00 PM by Chairman Joe Messina

#### **DUXBURY BEACH RESERVATION; 2015 SCHEDULE OF ACTIVITIES; 7:00 SE18-1198**

Al Vautrinot, Andre Martecchini, Ned Lawson, and Jim O'Connell representing the Duxbury Beach Reservation reviewed the work proposed for 2015 at the beach. Two Coastal Zone Management grants have been received. The first is for a cobble berm on the bay side of the road south of the bridge, a beach grass nursery pilot project, and for control of Japanese Knotweed, an invasive species. The second is a coastal processes study to be done by Woods Hole Oceanographic Institute with monitoring equipment to help determine sediment transport; this information can be used in a master plan addressing what sections of the beach most need strengthening. After the Nemo storm, a Federal Disaster repair grant was applied for and denied, this is currently under appeal. Other proposed work was reviewed.

On a motion by Tom Gill, seconded by Holly Morris, the Conservation Commission voted 5-0-0 to approve the proposed work for 2015 described in the Beach Reservation letter of December 31, 2014 and the Addendum letter of January 23, 2015.

#### **PUBLIC MEETING; MASSDOT; NEAR 1295 TREMONT STREET (ROUTE 3A); REPAIR HOT MIX ASPHALT PAVED WATERWAY AND A STONE PAD; 7:05 PM**

Andrea Cotes, District 5 Environmental Engineer, and Michael Clements presented the work for MassDOT. The project is to repair a waterway and stone pad. The work and proposed erosion control materials were described.

On a motion by Sam Butcher, seconded by Holly Morris, a Negative Determination was voted 5-0-0 for the waterway and stone pad repair so no Notice of Intent is required for this work on Route 3A.

#### **PRESENTATION: ROBERT GALVIN; TOWN MEETING ARTICLE TO MODIFY WPOD BOUNDARY AT 5 CONGRESS STREET; 7:10 PM**

Robert Galvin, representing Garth Hoffman, explained the proposed Town meeting article which is to change the zoning line so that the Wetlands Protection Overlay District (WPOD) line is at

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50' from the resource area. Rick Grady, representing the applicant, described soil testing done at the site and concluded the soils at the test sites are upland soils, not wetland soils. The lot is currently 2.5 acres of upland; with the addition of 2.45 acres from the WPOD there will be 5 acres of Upland. Tom Gill asked for the rationale behind claiming the original WPOD mapping was improper; Mr. Galvin explained it was based on 10' contours from 1948 topographic maps. Joe Messina said it is a zoning issue. Sam Butcher asked what was being sought from the Conservation Commission; Rick Grady said the Selectmen and Planning Board want assurance that the wetlands lines are accurate on the plan.

Sam Butcher commented that the soils information and plan were received at this meeting, with inadequate time for review. Joe Messina pointed out the soils report was dated November yet was just getting distributed to the Commission on February 24. Tom Gill expressed concern about the locations of the test holes not being identified on the plan.

Joe Messina said additional information has been requested and that the Commission is not prepared to vote on anything at this meeting. This will be placed at the beginning of next week's Commission meeting Agenda for further discussion.

Neal Doherty, 8 Pheasant Hill Lane and an abutter, provided a letter and map to the Commission and spoke to his concerns about the impacts of this rezoning on the property. Mike Quinlin, also of Pheasant Hill Lane and also an abutter, spoke about his concerns about how this project has been rushed through the process, having missed the original warrant article deadline and now there are last minute meetings with various boards and the Commission. He feels there should be proper time to evaluate this complex situation and the rush was avoidable. Lorrie Hall of Abrams Hill said that this property is different than previous properties that were rezoned at Town Meeting because it has water on 3 sides and is near a potential well site. If extensive clearing is done to build two houses the drainage will be affected.

**PUBLIC MEETING; DUXBURY CONSTRUCTION; 259 KING CAESAR ROAD; DEMOLISH SINGLE FAMILY HOME; 7:15 pm**

Freeman Boynton, representing the Ann Shaughnessy, described the project which is to take down a house in the buffer zone. Tom Gill asked what will happen to the driveway and Mr. Boynton said it will be removed as well as the house.

On a motion by Sam Butcher, seconded by Tom Gill, a Negative Determination was voted for the demolition of the single family home at 259 King Caesar Road by a vote of 5-0-0.

**PRESENTATION: PAUL BROGNA; TOWN MEETING ARTICLES TO MODIFY WPOD BOUNDARIES ON TWO PARCELS ON NORTH STREET**

Paul Brogna, representing the Ness/Crowley family, explained the Town Meeting articles request a modification to the WPOD on two parcels on North Street. Accompanying Mr. Brogna were Tom Sullivan of Millbrook Survey and Brad Holmes, a wetlands scientist.

A Notice of Intent was filed for North Street Parcel 023-010-001 and that hearing has been continued until April. An additional 2-3000 square feet of upland area is needed for a buildable lot. According to Mr. Brogna, the Selectmen and Planning Board are looking for a recommendation of the Commission. Brad Holmes prepared a report that Mr. Brogna will drop off at the Town Hall the following day. The request is to relocate the WPOD boundary at 50' from the wetlands.

Parcel 009-010-001 is a 12.9 acre lot carved into separate areas by the wetlands. Relocating the WPOD to 50' from the wetlands would provide an additional 300 square feet of upland and make it possible to make 2-3 lots. Joe Messina clarified that unlike for the other North Street parcel, this has never been seen by the Commission as part of a Notice of Intent. Holly Morris expressed that she believes there should be a moratorium on making changes until it is determined if this is the right action to take. Sam Butcher said decisions such as these in the past have been scientifically based, on hand-augured soil testing. This was not done here. Mr. Holmes said that soils, hydrology and vegetation were all used to determine the wetlands line. Tom Gill said any redelineation of the WPOD should be done Town-wide and not on a parcel by parcel basis. Joe Messina said the process does not require the sponsor of an article to come before the Conservation Commission, it is a zoning issue, and these are coming to the Conservation Commission at the last minute. Tom Millbrook said that he believes the Selectmen want some verification that the wetlands line as shown on the plan is acceptable. Joe Messina requested that Mr. Brogna add the 200' riparian zone for the River Front Area to the plan and consult with Joe Grady as to whether he is comfortable with the wetlands line.

Modification of the WPOD boundaries at the North Street locations will be further discussed at the beginning of the March 3 hearing.

#### **ADMINISTRATIVE MATTERS**

##### **Minutes**

On a motion by Sam Butcher, seconded by Holly Morris, the minutes of January 6, 2015 were approved by a vote of 4-0-0 (Tom Gill had not yet arrived at the meeting).

##### **Extension of Orders of Conditions, SE18-1459 (Town drainage system maintenance)**

On a motion by Sam Butcher, seconded by Joe Messina, it was voted 4-0-0 to extend the Orders of Conditions for SE18-1459 for 3 years; these orders now expire on March 3, 2018.

##### **Certificates of Compliance**

**SE18-1159; 80 High Street:** Joe Grady had previously informed the Chair that he has inspected the property and all required documentation has been received and he recommends the Certificates be issued. On a motion by Sam Butcher, seconded by Joe Messina, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1159, 80 High Street.

**SE18-1659, 160 Powder Point Ave;** Joe Grady had previously informed the Chair that he has inspected the properties and all required documentation has been received and recommends the Certificates be issued. On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1659, 160 Powder Point Ave.

##### **Change of Continuance for SE18-1675; 5 Congress Street**

Due to a meeting cancellation due to weather, a new continuation date for this hearing needs to be set. On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to continue the hearing for SE18-1675, 5 Congress Street to March 24 at 7:15 pm.

##### **Change of Continuance for SE18-1693; 46 Winsor Street**

Due to a meeting cancellation due to weather, a new continuation date for this hearing needs to be set. On a motion by Sam Butcher, seconded by Joe Messina, it was voted 4-0-0 to continue the hearing for SE18-1693, 46 Winsor Street to March 24 at 7:20 pm.

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**Black Friar Swamp Conservation Restriction**

This is the Conservation Restriction for the 27.6 acre property previously owned by Edward Koplovsky and purchased using CPA funds in 2011. On a motion by Holly Morris, seconded by Sam Butcher, it was voted 5-0-0 to approve and sign the Black Friar Swamp Conservation Restriction.

**Requisition**

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 5-0-0 to approve a Requisition for Mapworks for \$1500 to prepare maps of the Merry Property for Town Meeting, to be funded by the Conservation Trust Fund.

**Adjournment:** On a motion by Sam Butcher, second by Holly Morris, it was voted 5-0-0 to adjourn the meeting at 9:05 pm.

**MATERIALS REVIEWED AT THE MEETING**

Duxbury Beach Reservation 2015 Proposed Work

RDA materials for MassDOT on Route 3A

RDA Materials for Duxbury Construction, 259 King Caesar Road

Draft Minutes: January 6, 2015

Black Friar Swamp Conservation Restriction