

Approved 3/24/2015

TOWN CLERK

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DUXBURY, MASS.



# Town of Duxbury

## Conservation Commission

### Minutes of March 3, 2015

The Conservation Commission met on Tuesday, March 3, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Chairman Joe Messina; Sam Butcher; Dianne Hearn; Barbara Kelley; Holly Morris; Corey Wisneski

**Members Absent:** Tom Gill

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

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

#### **CONTINUATION OF PUBLIC HEARING; MCLAUGHLIN; 685 WASHINGTON STREET; PIER SE18-1653**

Attorney Driscoll described that their preference for the pier is to use skid design but that they continue to put two designs before the Commission so the Commission can determine which design they prefer. He also said that Mr. McLaughlin will accept restrictions on motorized boat access to the float and won't appeal on that basis alone; however if there are other conditions he chooses to appeal he then may appeal this restriction as well.

Paul Brogna discussed the latest revisions to the pier plans and pointed out the latest changes. This is Revision 3 to the plans and dated February 16, 2015 (documents #359 and #360).

Bob Gray reviewed 6 ramp and float projects approved by the Commission through the RDA process; he stated they have similar float designs to McLaughlin. All received a negative determination which Mr. Gray stated means the Commission determined the work will not alter the area. There was discussion about tidal flats, tidal creeks, and salt marshes.

Joe Messina and Paul Driscoll had a discussion about Horsley-Witten, the Commission's consultant. Mr. Driscoll wants to know what work has been done for the money they have been paid; Mark Bobrowski (counsel for the Commission) said a status report will be provided and Horsley Witten will be consulted about what further materials they feel need to be reviewed.

Paul Driscoll will submit their transcripts of the hearing for inclusion of the record.

Jim O'Connell referred to a pier matrix that shows distances of the float to the salt marsh. He reviewed a number of these piers and said that a number of piers have been permitted in narrow areas like the McLaughlin site.

From the audience, John Davenport of the Conservation Law Foundation stated that it is clear that the pier cannot be configured to not adversely impact the resource values. The pier does not reach beyond the marsh and the pier will have adverse impacts on the marsh, and he supports denial of the application.

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

From the audience, Jeff Palmer of 10 Powder Point Road said there is no practical way to enforce a condition that says no motorboats are allowed at the pier. He expressed concerns about the impacts on the marsh and effects on wildlife.

From the audience, Sarah McCormack of Peterson Road commented on the negative impacts of the pier on aesthetics, history, and conservation. She said the Master Plan states that land given as Open Space should remain so in perpetuity.

Shirley Jenkins of Fairway Lane commented on the need to preserve the heritage of the marsh.

On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 6-0-0 to continue the hearing until May 26 at 7:00 pm.

#### **ADMINISTRATIVE MATTERS**

**Conservation Trust Fund Expenditure:** On a motion by Barbara Kelley, seconded by Dianne Hearn, it was voted 6-0-0 to authorize up to \$500 to be spent from the Conservation Trust Fund for printing costs for handouts for Town Meeting for the land conservation article.

**Discussion: Town Meeting article to modify WPOD boundary at 5 Congress Street**  
Robert Galvin, representing Garth Hoffman, asked the Commission to acknowledge that the wetlands line as shown on the plan is acceptable to the Commission, and they hope to get a favorable recommendation on the rezoning article for this property at Town Meeting.

Rick Grady provided locations of test holes and concludes the soils are upland soils.

Sam Butcher stated he is reluctant to recommend support or oppose the article because it is a very complicated site and more time is needed to evaluate it.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 6-0-0 to affirm the flagged wetlands line as shown on the plan (titled "Wetlands Protection Overlay District Modification Plan, Assessors Map 70 Lot 005-001, #5 Congress Street, Duxbury MA by Grady Consulting' dated 1/12/15, stamped by Peter Tuttle on 1/12/15, and received by the Conservation Commission on February 24, 2015) but to make no recommendation on the proposed change to the WPOD boundary because it is a complicated site with numerous wetland resource areas and there is inadequate time to properly evaluate the proposal.

#### **Discussion: Town Meeting article to modify WPOD boundary at two parcels on North Street**

Paul Brogna, representing the Ness/Crowley family, described Parcel 009-010-001 (that he calls the 'south' side parcel) and Parcel 023-010-001 (what he calls the 'north' side parcel) at which they hope to modify the WPOD.

For Parcel 009-010-001, he has added the riparian zone on the plans submitted the previous week and submitted a soils map report from Brad Holmes. Sam Butcher commented that most of the area to be removed from the WPOD for this parcel are in the protected riverfront area. Barbara Kelley objects to a piecemeal approach to making changes to the WPOD; if necessary it should be reviewed on a town-wide basis.

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On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 6-0-0 to not support amending the WPOD for this lot because most of the WPOD is within a protected resource area known as a Riverfront Area.

For Parcel 023-010-001, Mr. Brogna said they hope the Commission can affirm the wetlands line and support the modification to the WPOD. Joe Messina said he was not comfortable with the proposal to change the WPOD by piecemeal changes, it is an imperfect way to do it, and the Commission is being rushed on the eve of Town Meeting to take a position.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 6-0-0 to take no position on this article because it is a complicated site and there is inadequate time to properly evaluate the proposal.

**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**

SE18-1653 Public Hearing Materials

Materials for 0 North Street and 5 Congress Street