



Approved 7/7/2015

TOWN CLERK

15 AUG 13 AM 10:48

DUXBURY, MASS.

Town of Duxbury

Conservation Commission

Minutes of May 12, 2015

The Conservation Commission met on Tuesday, May 12, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Tom Gill, Acting Chair; Sam Butcher; Dianne Hearn; Holly Morris

Members Absent: Joe Messina, Barbara Kelley, 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

PUBLIC MEETING; 455 BAY ROAD REALTY TRUST; 455 BAY ROAD; DECKS, PORCH 7:05 PM

Peter Stames and Ross McPherson were there to represent the applicant. The addition is on the back side of an existing ranch house, with a covered porch to be added on the street side and a small addition to the deck on a Sonotube-like foundation. Some of the existing paved driveway will be removed to prevent an increase in the coverage. Joe Grady said the addition of the sunroom was not on the application and not previously discussed. There is a concrete slab under the deck and the sunroom will cover the deck. He recommended the Determination be conditioned that the coverage to be removed must be completed first, then a certified plan from an engineer must be submitted for approval before any new structures can be added. Additionally, an engineer's certification of the final coverage will be required after construction is complete. Sam Butcher confirmed with the applicant's representative that there is no plan to enclose the space beneath the deck.

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 4-0-0 to issue a negative determination so that no Notice of Intent is required for this project at 455 Bay Road but an engineer's certification is required for removal of coverage before work can proceed and at completion of construction.

PUBLIC HEARING; PATEL; 20 BRADFORD ROAD; REVETMENT SE18-1698

Tom Gill said the Conservation Commission will want to hire a consultant for this Notice of Intent.

Sam Butcher disclosed that he has previously done work for the firm representing Mr. Baker of 30 Bradford Road, the next hearing on a very similar project. The firm is Baker, Braverman, and Barbadaro. Mr. Butcher is not currently doing any work with this firm.

Rick Grady, of Grady Consulting, representing the applicant, said the proposed work is intended to stop the erosion occurring at the site by armoring the bank with a stone revetment. He described some temporary stabilization measures they hope to have permission to immediately

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

take. The work is to install a silt sock on the uphill side of the bank to slow runoff, and replace sand. These temporary measures were further described in a Temporary Stabilization Plan provided by Grady Consulting.

Joe Grady said this is a complex site; his recommendation is to hire a firm to review the NOI. Three proposals have been solicited, from Woods Hole Group; Epsilon, and LEC. LEC was recommended by some Commission members for having known expertise with this type of project.

To address the erosion in the short-term, Sam Butcher suggested allowing mulch filled silt socks at the top of the bank to slow run-off, and sand fill at the base of the slope to prevent further collapse. In order to get the sand down to the base of the slope it will be necessary to stabilize the ramp on the adjacent Baker property.

Leo Chylack of 15 Bradford Road asked about the dangerous drop off at the end of the road. John Olsen of Marshall Street asked about people who have deeded beach and mooring rights, and whether this temporary solution would survive a storm event. Mr. Chylack asked if it is possible that interventions at the edge of the property have caused the bank to recede, and mentioned there is a discrepancy between the location of the bank on the plot with the land decision versus the current plan.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to hire LEC as the consultant to the Commission for SE18-1698.

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 4-0-0 to accept the applicant's plan for temporary stabilization as shown on the plan entitled "Temporary Stabilization Plan, #20 and #30 Bradford Road, Duxbury, Massachusetts" prepared for Bradford Road Realty Trust, dated May 12, 2015, no engineering stamp.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0-0 to continue the hearing to June 23 at 7:10 pm.

**PUBLIC HEARING; BAKER; 30 BRADFORD ROAD; REVETMENT
SE18-1697**

Sam Butcher disclosed that he has previously done work for the firm representing Mr. Baker of 30 Bradford Road, the next hearing on a very similar project. The firm is Baker, Braverman, and Barbadaro. Mr. Butcher is not currently doing any work with this firm.

Rick Grady of Grady Engineering, representing the applicant, presented the project. The permanent repair is to construct a stone revetment and shape the ramp with a 12' wide smooth surface and rocks on the edge as a berm. The revetment would begin at elevation 15 at the top of the bank, go down to the beach at elevation 7 and continue under the beach to elevation 3.

Joe Grady said this is a complex site; his recommendation is to hire a firm to review the NOI to ensure compliance with state and local Bylaws. Three proposals have been solicited, from Woods Hole Group; Epsilon, and LEC. LEC was recommended by some Commission members for having known expertise with this type of project.

On a motion by Holly Morris, seconded by Dianne Hearn, it was voted 4-0-0 to hire LEC as the consultant for SE18-1697.

Holly Morris asked whether the ramp is pre-existing, and Rick Grady confirmed that it is. She asked what materials it is constructed of and Rick Grady said sand and grass.

Rick Grady stated that the deck and stairs on the ocean side of the house need repair to allow for an egress route. The stairway is hanging, they would like to replace it with a similar stairway as a short-term fix; it may be changed later if the revetment is improved. Sam Butcher asked for more information about the temporary repair of the right of way. Rick Grady said they would restore the ramp using a crushed stone pad and sand fill to correct the access.

Tony Kelso of Marshall Street asked about those with legal rights of access to the beach, and the temporary solutions that allow access. He said there are pipes and drains that dump onto the beach and erode the coastal bank; he suggested this should be moved away from the coastal bank and onto the lawn. Sam Butcher said on a visit to the site he noted a leaking irrigation pipe that is causing erosion.

Sam Butcher said the short term fix is to make the drainage features non-operable; the long term fix should address how drainage water is handled behind the wall.

Leo Chylack of 15 Bradford Road asked whether the temporary solutions will interfere with the consultant's ability to assess the permanent solution. John Olson of Marshall Street asked how far out on the beach the ramp goes, and whether it blocks the beach at high tide.

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 4-0-0 to accept the applicant's plan for temporary stabilization as shown on the plan entitled "Temporary Stabilization Plan, #20 and #30 Bradford Road, Duxbury, Massachusetts" prepared for Bradford Road Realty Trust, dated May 12, 2015, no engineering stamp, including repair and construction of egress on the front (eastern) side of the house at 30 Bradford Road.

Dave Caso of 35 Bradford Road said he is against the stone revetment as a permanent solution because the applicant does not own enough beach; the wall stops at the southern end of the property and will cause erosion north of the wall, there will be erosion of his beach to the south, and the revetment will go out to where people walk on the beach. Mr. Caso suggests a natural solution of sandbags and geotubes and grass and other plantings with a presumption that on-going maintenance and nourishment will be necessary. Tony Kelso of Marshall Street asked that the consultants notice that the adjacent property at 286 Marshall Street has a vegetated bank that is in good shape, is stable and has no erosion.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to continue the hearing for SE18-1697 until June 23rd at 7:11 pm.

**PUBLIC HEARING; DUXBURY CONSTRUCTION; 43 SOUTH STATION STREET; PAVED
SPORT COURT
SE18-1696**

Freeman Boynton, representing the applicant described the project which is a 30' x 60' sport court. The court is for pickle ball and will bring the coverage in the buffer up to 9.1% which was originally proposed for the house; they are not going to construct the circular drive which reduces

the coverage from that originally proposed for the house. Joe Grady says the project meets the rules and regulations of the Commission.

Tom Brock of 38 Hawkins Place asked about adding additional coverage and said there are wetlands impacts, the seasonal pond at the site is now wider and has a higher water level. Tom Gill said the court has a drainage system. Another resident asked whether there will be a fence or lights; Joe Grady said the Conservation Commission does not regulate lights or fences.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0-0 to write Orders of Conditions for SE18-1696, 43 South Station Street.

PUBLIC HEARING; DASILVA; 140 PLANTATION DRIVE; DECK, PATIO, WALKWAY, ENTRY SE18-1699

Joe Webby, of Webby Engineering, representing the applicant, presented the project which is to remove the deck and replace it with a new deck, add a patio, walkway, and an entryway over the steps.

Joe Grady said that 4 inches of space between adjacent stones are needed for a patio to be considered pervious. Another alternative is to remove coverage off the driveway width. Holly Morris said because this project is so close to the bordering vegetated wetlands, she would like to see native plants used in the plantings. Replacing the existing crushed stone pathway with paving stones adds coverage.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to write Orders of Conditions for SE18-1699, 140 Plantation Drive, with no change allowed in impervious coverage (the walkway must be considered as impervious) and conditioned so that following removal of the impervious coverage, an engineering plan showing the removal must be submitted for approval and an inspection scheduled with the Conservation Administrator before further work can proceed.

CONTINUED PUBLIC HEARING; PONTIFF; 80 MYLES VIEW DRIVE; ANRAD UNDER LOCAL BY BYLAW ONLY

Rick Grady, representing the applicant, described the revisions to the wetlands line made after meeting with Joe Grady on site. Joe Grady said that under State wetlands law this is not a wetland, but it is a wetland under the local bylaw it is an isolated vegetated wetland which has a 100' buffer. An isolated buffer is not connected to a river, stream, or ocean. This hearing is being held under the Town Bylaw only.

Mark Davis of Myles View Drive asked about the bringing in fill. Tom Gill said the only issue before the board is the delineation of the wetlands, there is no building project before the Commission.

Glen Cederberg of 263 Crescent Street said the water drains under Phelps Lane to a pit.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to approve the ANRAD represented on the plan entitled "Notice of Resource Area Delineation Plan, Mules View

Drive, Duxbury Massachusetts" by Grady Consulting, LLC; for applicant E.J. Pontiff Inc., revision dated 4/28/15; signed and stamped by Kevin S. Grady.

ADMINISTRATIVE MATTERS

Minutes:

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 4-0-0 to approve the minutes of April 28, 2015.

Certificates of Compliance

SE18-1465, 43 South Station Street: Joe Grady has inspected the property, the as-built plan has been submitted, the project conforms to the Orders of Conditions and he recommends Certificates of Compliance be issued. On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1465, 43 South Station Street.

SE18-1670, 45 Old Cove Road: Joe Grady has inspected the property, all required documentation has been submitted, and the project conforms to the Orders of Conditions and he recommends issuing Certificates of Compliance. On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1670, 45 Old Cove Road.

Vacancies on Commission

Two Commission members have indicated they do not plan to seek reappointment upon completion of their terms in June. Joe Grady is collecting Talent Bank applications and will distribute them to the Commission members so they can decide who to interview and make a recommendation to the Board of Selectmen.

Adjournment: On a motion by Sam Butcher, second by Holly Morris, it was voted 4-0-0 to adjourn the meeting at 8:50 pm.

MATERIALS REVIEWED AT THE MEETING

RDA Materials for 455 Bay Road
SE18-1698 NOI Materials
SE18-1697 NOI Materials
SE18-1696 NOI Materials
SE18-1699 MOI Materials
ANRAD Materials for 80 Myles View Drive
Draft minutes April 28, 2015