



Approved 8/18/2015

TOWN CLERK

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Town of Duxbury Conservation Commission DUXBURY, MASS.

Minutes of June 23, 2015

The Conservation Commission met on Tuesday, June 23, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Joe Messina; Sam Butcher; Barbara Kelley; Holly Morris (arrived 7:10 pm); Corey Wisneski

Members Absent: Tom Gill; Dianne Hearn

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

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

PUBLIC HEARING; DUXBURY CONSTRUCTION FOR HASLEHURST; 428 CONGRESS ST.; SEPTIC SYSTEM, GRADING, AND LANDSCAPING SE18-1703

Freeman Boynton of Duxbury Construction, representing the applicant, presented the project. The house currently has a cesspool. The proposed system is a gravity flow septic system located as far from the wetlands as is possible. The Board of Health has approved the system. Joe Grady confirmed the wetlands line on the plan is accurate and recommends writing Orders of Conditions.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 4-0-0 to issue Orders of Conditions for a septic system with grading and landscaping, SE18-1703, at 428 Congress Street.

CONTINUATION OF PUBLIC HEARING; PATEL; 20 BRADFORD STREET; REVETMENT SE18-1698

There was not a quorum present for this hearing continuation. On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 5-0-0 to continue this hearing until July 28 at 7:10 PM.

CONTINUATION OF PUBLIC HEARING; BAKER; 30 BRADFORD STREET; REVETMENT SE18-16987

There was not a quorum present for this hearing continuation. On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 5-0-0 to continue this hearing until July 28 at 7:11 PM.

MCLAUGHLIN; 685 WASHINGTON STREET; PIER; REVIEW OF DRAFT DECISION SE18-1653

Joe Messina explained that the denials drafted under the Town bylaw and Wetlands Protection Act by Special Counsel will be reviewed by the Commission and then a vote taken. Special Counsel Mark Bobrowski distributed copies of the denials to the applicant's representatives.

The denial drafted under the Town of Duxbury bylaw was considered first. Commission members, Conservation Administrator Joe Grady, and Special Counsel Mark Bobrowski reviewed

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and discussed the denial and suggested edits that were made by Special Counsel during the meeting.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 4-1-0 to accept the denial of Orders of Conditions for SE18-1653 under the Duxbury Wetlands Bylaw.

The Commission reviewed the denial under the Massachusetts Wetlands Protection Act. Commission members, Conservation Administrator Joe Grady, and Special Counsel Mark Bobrowski reviewed and discussed the denial and suggested edits that were made by Special Counsel during the meeting.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 4-1-0 to accept the denial of Orders of Conditions for SE18-1653 under the Massachusetts Wetlands Protection Act.

On a motion by Barbara Kelley, seconded by Sam Butcher, it was voted 5-0-0 to include the minutes of the May 26 and June 2 meetings as well as the transcripts of these meetings in Exhibit A (the document list for the SE18-1653 hearing).

Mr. Bobrowski and Joe Grady left the meeting to go to the Conservation Office to print the approved documents.

The documents were signed that evening.

PUBLIC MEETING; KISSANE; 0 ST. GEORGE ST; ALUMINUM GANGWAY AND FLOAT

Paul Brogna of Seacoast Engineering, representing the applicant, described the project which is to place a seasonal gangway and float on land owned by the Duxbury Rural and Historical Society over which the Kissanes have rights. There will be a 3 foot wide by 40 foot long aluminum gangway over the salt marsh to a 10' x 20' skid mounted float at the tidal flat.

Commissioners asked questions and discussed issues including the type of decking, whether there is a coastal bank in this area, potential impacts on waterfowl and anadromous fish, float installation and removal, and the proximity to the road. Holly Morris said this is a Waterfront Scenic Area; Joe Messina said the Waterfront Scenic District doesn't prohibit piers, and the lower seasonal structure versus a permanent pier with piles has fewer impacts. Several other gangway and float designs have been approved in the Waterfront Scenic District.

Kathy Palmer of Powder Point Ave said she believes this deserves a full review by the Commission because of the sensitivity of the area and the numerous questions that have been raised. Joe Messina said the sensitivity of the area is understood, but he believes this is a lower impact way to access the water than a pier through the NOI process. Holly Morris asked if the owners would accept conditions and a limit on float size; Sam Butcher said this would be unenforceable.

The applicant asked for a brief recess. Following the recess Paul Brogna said the Kissanes believe the plan being presented has the least impact, and that a downsized float would have the same size skids so there is no benefit to changing the float size.

Sherm Hoyt of 51 Abrams Hill stated his opinion that this project should be done through a NOI. The ramp is a 30' aluminum bridge and it is only 1 foot off the marsh. Heidi Pape of 313

Washington Street said the Bluefish view is treasured and is easily viewed from the road and it is a loss to impact that view.

On a motion by Sam Butcher, seconded by Joe Messina, it was voted 3-2-0 to issue a Negative Determination so that no Notice of Intent is required for the gangway and float project at 0 St. George St.

**PUBLIC HEARING; LOCHIATTO; 245 WASHINGTON STREET; DEMOLSH HOUSE AND GARAGE AND BUILD NEW 6 BEDROOM HOUSE, POOL, SEPTIC, UTILITIES, LANDSCAPING
SE18-1701**

Paul Brogna of Seacoast Engineering, representing the applicant, described the project. The existing house will be razed and a new house with a pool and a garage will be constructed. Buffer zone coverage is going from 1% to 2%. The existing utilities easement will be relocated and no grade changes will be made. The Town has a drainage easement into the Bay; Public Works will relocate this.

Joe Grady said that there are no proposed grade changes that are within the Conservation Commission's jurisdiction.

Dave Fuchs of 231 Washington Street asked why any of the project is in the wetlands; Joe Grady said the house is not in the Commission's jurisdiction, only 2-4 feet of the pool deck is. Mr. Norse asked about moving it out of the wetlands; Joe Messina said it is below the allowable coverage. Ms. Ryer, of 231 Washington Street owns the utility easement and is concerned with the relocation of the easement into the buffer zone which will require filing with the Conservation Commission should any future work be needed; Mrs. Ryer said she prefers the electric not be in the buffer zone. Joe Messina said the Commission is of limited jurisdiction, the question is whether the work can be done within the rules and regulations. Sam Butcher said if the project is approved with the installation of the utilities at the proposed location, and an agreement is reached between the parties to move it out of the buffer, no filing for that will be required. Sheila Morse of 251 Washington asked what happens when the pool is drained; Joe Messina said pools can't be drained into a marsh, and the pool is not within the Commission's jurisdiction.

On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 5-0-0 to write Orders of Conditions for SE18-1701, 245 Washington Street.

**PUBLIC HEARING; COLUCCI; 212 MARSHALL STREET; PIER
SE18-1701**

Joe Messina said there is a quorum issue with this hearing; this will not be reviewed and voted in one hearing, and two members present, Mr. Messina, and Mrs. Kelley, are leaving the Commission before the next meeting at the expiration of their terms, leaving only 3 members present that could continue as a quorum – 4 members are required for a quorum.

Susan Maycock of 196 Marshall Street said she is not a direct abutter but has a Right of Way to the beach and asked if they should have been notified of the hearing. Joe Grady replied that Town Counsel will be consulted about who the abutters are under the law and whether it includes those with deeded rights – this is an issue that the Commission has not faced before.

On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 5-0-0 to continue this hearing until August 18, 2015 at 7:05 PM.

ADMINISTRATIVE MATTERS

Certificates of Compliance

SE18-818, 113 Flint Locke Drive: Joe Grady has inspected the property, the required documentation 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 Barbara Kelley, it was voted 4-0-0 to issue Certificates of Compliance for SE18-818, 113 Flint Locke Drive.

SE18-1171; 231 Autumn Ave: Joe Grady has inspected the property, the required documentation has been submitted, the project conforms to the Orders of Conditions and he recommends Certificates of Compliance be issued. On a motion by Corey Wisneski, seconded by Sam Butcher, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1171, 231 Autumn Ave.

SE18-1273; 91 Gurnet Road: Joe Grady has inspected the property, the required documentation has been submitted, the project conforms to the Orders of Conditions and he recommends Certificates of Compliance be issued. On a motion by Barbara Kelley, seconded by Sam Butcher, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1273, 91 Gurnet Road.

SE18-1587; 25 Sprague Farm Lane: Joe Grady recommends no action on this because the certification letter from the engineer has not yet been received.

SE18-1622; 9 Surfside West: Joe Grady has inspected the property, the required documentation 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 Barbara Kelley, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1622, 9 Surfside West.

Minutes:

On a motion by Sam Butcher, seconded by Barbara Kelley, it was voted 4-0-0 to approve the minutes of **May 26, 2015** as written.

On a motion by Sam Butcher, seconded by Joe Messina, it was voted 4-0-0 to approve the minutes of **June 2, 2015** as written.

The minutes of May 12, 2015 will be reviewed for approval at the next meeting.

Adjournment: On a motion by Sam Butcher, second by Barbara Kelley, it was voted 5-0-0 to adjourn the meeting at 9:08 pm.

MATERIALS REVIEWED AT THE MEETING

NOI application materials for SE18-1703

Denials under the Wetlands Protection Act and the Duxbury Wetlands Regulations for SE18-1653

RDA application materials for 0 St. George St.

NOI application materials for 245 Washington Street

NOI application materials for 212 Marshall Street