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DUXBURY, MASS.



Town of Duxbury

Conservation Commission

Minutes of October 6, 2015

The Conservation Commission met on Tuesday, October 6, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski; Sam Butcher; Robb D'Ambruoso; Tom Gill; Dianne Hearn; Holly Morris;

Members Absent: John Brawley

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

The meeting was called to order at 7:00 PM

CONTINUED PUBLIC HEARING; EARLEY; 80 SEABURY POINT ROAD; RECONSTRUCT SEAWALL SE18-1708

Paul Brogna and Brad Holmes, representing the applicants, described further detail about the proposed stone rip-rap wall. The proposed wall will have its toe in the same place as the toe of the existing wall, except where it abuts the wall in front of the 66 Seabury Point property. At that location, they propose having the wall go out a few feet and tie in with the adjacent wall. They will straighten the wall up to the minimum slope and use custom capstones to minimize loss of the yard. Sam Butcher clarified that from the pier to the west, the toe would match the current toe, and from the pier to the east, the toe would match the new wall. There should be a balance between the resource area being taken and being lost such that there is a net zero loss of resource area. Sam Butcher asked to have confirmed that there are no modifications to the mitigation plan from the last hearing and Mr. Holmes confirmed that there are not any changes.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to write Orders of Conditions for SE18-1708 as amended from the original plans, with the stipulation that there is no net loss of resource area with the construction of the wall.

PUBLIC HEARING; HUMMOCK LLC: 71 OCEAN ROAD NORTH: SINGLE FAMILY HOME ON PILES, DRIVEWAY, UTILITIES SE18-1707

Sam Butcher recused himself from this hearing because he has previously worked with Attorney Brodsky who is representing Jim Duffy, the applicant.

Since the previous hearing, the applicant's representatives have done the following: made a field visit with Joe Grady, located the dune and dune vegetation, ensured the plans show the barrier beach, delineated the coastal bank, provided a report by Mr. Zimmer, and updated the plans. The revised plans move the driveway so that it uses the existing unvegetated path, and the parking area has also been moved to an unvegetated area. In areas where work will take

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place, vegetation will be transplanted to areas marked on the plan. The proposed home and deck impervious coverage is less than the previously existing 5 homes and decks. The house will be on piles above the flood zone, using flood resistant construction. The grade between the sale marshes will be lowered for drainage. Existing water, sewer, and gas, and electric service will be used.

Barry Tufts of 4 Cable Hill Way asked about plans for re-grading at the site; Margaret Tufts of 4 Cable Hill Way questioned how the location of the house can be considered not to be wetlands. Joe Grady responded that it is all wetlands, and there were 5 structures; 10 years ago the Conservation Commission wrote Orders of Conditions allowing 5 structures to be built. This proposal is one house, and it is reasonable to downsize the project which protects the wetlands. Joe Grady also clarified that the house will not obstruct the flow of water because of the open pile foundation. Hard surfaces are also limited.

On a motion by Tom Gill, seconded by Dianne Hearn, it was voted 5-0-0 (Sam Butcher had recused himself) to write Orders of Conditions for SE18-1707, 71 Ocean Road North.

**PUBLIC HEARING; TEDESCHI; 7 BAY AVENUE; DEMOLISH EXISTING HOUSE AND CONSTRUCT NEW SINGLE FAMILY HOME WITH UTILITIES, SITE GRADING, AND LANDSCAPING
SE18-1712**

Paul Brogna, representing the applicant, presented the project. They propose demolishing the existing house and building a new house and garage. The existing pool and cabana will be unchanged. The new house will be on a pile foundation raised 2.5' from 21.8' to 23.3' and the house will be moved back. The garage will consist of a slab foundation on an open pile foundation. The coverage will change from 17.6% to 5.7% in the V zone. As a barrier beach the 15% limit on coverage doesn't apply, but they will comply with the 500 square foot limit of impervious coverage.

Tom Gill asked about the ramp into the garage. Corey Wisneski asked about the size of the rip rap to be used; it will be 6-8" in size. Sam Butcher asked when the temporary driveway will be removed; Paul Brogna said they will pull it up after work is completed on the new driveway.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 6-0-0 to write Orders of Conditions for SE18-1712, 7 Bay Ave.

***PUBLIC HEARING; DILLON; 38 OCEAN AVE; DEMOLISH EXISTING HOUSE AND GARAGE AND CONSTRUCT NEW SINGLE FAMILY HOME WITH ASSOCIATED UTILITIES, GRADING, AND LANDSCAPING AND INSTALL A NEW SEPTIC SYSTEM
SE18-1711**

***PUBLIC MEETING; DILLON; 0 MARSHALL STREET; REMOVE TREES AND CLEAN OUT INVASIVE PLANTS AND VINES**

****The Public Hearing for 38 Ocean Ave and Public Meeting for 0 Marshall Street were heard concurrently.***

Paul Brogna, representing the applicant, presented the project. Coverage is 40% in the Buffer zone presently (889 square feet); the proposed house is 862 square feet of coverage, 38.8%, which is a decrease. The existing leaching field makes it necessary for the house be located on the front part of the lot. There will be a new septic tank. There will be a concrete foundation and a pervious patio built in compliance with the regulations, using pavers with 4 inches of grass in between. The shape of the patio on the plan is conceptual.

Sam Butcher asked for a breakdown of the calculations into its components as now required by the Commission.

There are 2 trees on the Dillon property that are included in this Notice of Intent. There are an additional 5-6 trees in the Right of Way that they would also like to take down (under the RDA). Brad Holmes said the trees to be removed are not native trees, and will be replace with native saplings and shrubs by a professional arborist. There is 1 mature black cherry tree that is leaning onto the bank that they want to take down before it falls on the beach.

Joe Grady asked if any of the shrubs and vines along the wall will remain. Brad Holmes said they will take out the growth on the Right of Way using pruning and herbicides. Joe Grady asked if the trees and all the vilnes on top of the wall next to the stairs are being taken down, and asked for a plan of the replacement plantings. Brad Holmes said they will flag where things are going to be removed and will show Joe Grady before anything is removed. Concerns were expressed about removing vegetation from the already eroding path leading to more erosion. Brad Holmes said the work would be done by hand.

Lisa Betteridge of 68 Eagle's Nest said there are exposed roots on the Right of Way, and removing the roots will lead to increased erosion. It was clarified that this proposal includes leaving the stumps in place.

Susah Maycock, as an abutter to the Right of Way, agreed with Joe Grady that erosion is a real problem and that the bittersweet should be removed gradually and replaced over time to limit erosion.

Tony Kelso asked about what time of year the work is proposed. If it is done between now and May, the plantings won't take hold and storm damage could occur. He further asked if the trees will be taken down at the start or end of construction. The applicant said the trees will be taken down soon, the vegetation later.

Robb D'Ambruoso asked about the most effective time to apply herbicides to the invasives; the answer is during the growing season, the Spring.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 6-0-0 to write Orders of Conditions for Se18-1711, 38 Ocean Ave.

On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 6-0-0 to issue a Negative Determination so that a Notice of Intent is not required for the removal of trees and cleaning out of invasive vines and plants at 0 Marshall Street.

CONTINUATION OF PUBLIC HEARING; COLUCCI; 212 MARSHALL STREET, PIER SE18-1701

The application for this project has been withdrawn by the applicant.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to accept the withdrawal of SE 18-1701, 212 Marshall Street.

ADMINISTRATIVE MATTERS

CERTIFICATES OF COMPLIANCE

SE18-1677; 99 Stagecoach 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 Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1677, 99 Stagecoach Road.

SE18-1656; 192 Powder Point 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 Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1656, 192 Powder Point Ave.

SE18-1265; 360 West Street: 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 Holly Morris, seconded by Tom Gill, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1265, 360 West Street.

MINUTES: On a motion by Sam Butcher, seconded by Holly Morris, it was voted 6-0-0 to approve the minutes of August 18, 2015.

Adjournment: On a motion by Tom Gill, second by Dianne Hearn, it was voted 6-0-0 to adjourn the meeting at 8:25 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for 80 Seabury Point road
NOI Materials for 71 Ocean Road North
NOI materials for 7 Bay Ave
NOI materials for 38 Ocean Ave
RDA materials for 0 Marshall Street

Draft minutes of August 18, 2015