



Town of Duxbury  
Conservation Commission

Approved February 9, 2016

TOWN CLERK

2016 FEB 10 PM 12:17

DUXBURY, MASS.

**Minutes of January 26, 2016**

The Conservation Commission met on Tuesday, January 26, 2016 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Chairman Corey Wisneski; Sam Butcher; Tom Gill; Dianne Hearn; Robb D'Ambruoso (arrives 7:05)

**Members Absent:** John Brawley; Holly Morris

**Staff Present:** Susan Ossoff, Administrative Assistant  
**Staff Absent:** Joe Grady, Conservation Administrator;  
The meeting was called to order at 7:00 PM

**PROPOSED REVISIONS TO SE18-1705; 59 GURNET ROAD**

Candace Martin, the property owner, explained that she would like to move the patio 7'10" further away from the house to create more space for plantings and a garden in front of the house. The patio would be 14 feet from the top of the coastal bank rather than the 22' in the original plan.

Robb D'Ambruoso said he did not see a compelling reason to allow the patio to be moved closer to the bank. Sam Butcher agreed that in general it is not good to move things closer to a resource area. However there is lawn already present and the patio does not change impervious cover. Corey Wisneski asked if the coastal bank will be able to contribute to the beach; it does not seem like this change will affect that.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 5-0-0 to amend the Orders of Conditions for SE18-1705 so the patio can be moved 7'10" closer to the coastal bank and to allow the proposed plantings at 59 Gurnet Road.

**PUBLIC MEETING; BURCHILL; 41 MARGINAL ROAD; DECK**

The applicant's representative did not appear at the meeting. This project is to add a 6' x 18' deck to the existing house. Joe Grady recommended to Corey Wisneski that this project be approved, the deck complies with the Commission's rules and regulations and he recommends a Negative Determination. This is in the resource area so coverage is not an issue and it is over 50' from the salt marsh. The deck will be on an open pile foundation. On a motion by Robb D'Ambruoso, seconded by Tom Gill, it was voted 5-0-0 to issue a Negative Determination such that a Notice of Intent is not required for the proposed deck as described in the RDA at 41 Marginal Road.

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

**PUBLIC MEETING; DUXBURY CONSTRUCTION LLC FOR JULIANO ENTERPRISES; 30 RAILROAD AVE; REMOVE CONCRETE SLABS AND ADD PAVEMENT**

Freeman Boynton, representing the applicant, described the project which is to remove some concrete slabs and add pavement. A portion of the area to be paved is in the 100' buffer. In addition, a stairway will be added on the back end of the building.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 5-0-0 to issue a Negative Determination such that a Notice of Intent is not required for the removal of some concrete and paving as described in the RDA at 30 Railroad Ave.

**PUBLIC HEARING; DUXBURY CONSTRUCTION FOR CATALDO; 30 SPRING STREET: STONE SEAWALL SE18-1722**

Freeman Boynton of Duxbury Construction described the project which is to remove the existing partial seawall that is in poor condition and construct a stone seawall the entire length of the property and tie into some stone stairs. When Joe Grady met with Mr. Boynton at the site, he expressed concern about nutrification loss with the seawall construction, and Joe Grady asked for the construction of a sacrificial dune in front of the seawall. Emmett Sheehan, representing the homeowner, has discussed this with the homeowner who is willing to construct the dune with plantings. Mr. Boynton said the plan would be to input 200 cubic yards of sand and plant beach grass on the slope and Rosa Rugosa on the top.

Corey Wisneski said the vertical nature of the wall raises concerns that waves will bounce off the wall and erode the marsh. Additionally, the applicant must provide evidence that the house was there before August 1978. Mr. Boynton said he will provide that to the office within a day or two. The NOI application does not include the 200 cubic feet of sand they are now proposing.

Sam Butcher asked how long it takes for beach grass to become established. Mr. Sheehan replied about a year. Mr. Butcher asked what happens if a storm destroys the dune before the grass is established. Mr. Sheehan said the homeowner is aware that it is a sacrificial dune, but Mr. Butcher wondered if the homeowner understands the needs for continuing maintenance on the project.

Neighbor Dan Hawkins is concerned about the wall, he thinks the walls are self-defeating and destroy the marsh because they reduce sediment to nourish the marsh. He also is concerned that with a storm during a full or new moon, the sacrificial dune will be destroyed. He is concerned with further erosion at his property.

Sam Butcher raised the question of how to include in the Orders of Conditions a statement requiring maintenance. He is concerned about language obliging the homeowner to do work going forward; this is something that the Commission is facing in a number of cases. Some questions are: what is the trigger for additional maintenance, who monitors for that trigger, who enforces that obligation, and what is the penalty for those who don't comply. Mr. Butcher recommended continuing the hearing in order to research and consider these issues.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 5-0-0 to continue the hearing for SE18-1722, 30 Spring Street until Tuesday, February 9 at 7:06 pm.

## **ADMINISTRATIVE MATTERS**

### **MINUTES:**

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 5-0-0 to approve the minutes of **January 5, 2016**.

### **CERTIFICATES OF COMPLIANCE**

**SE18-451; Oceanwoods 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 Dianne Hearn, it was voted 5-0-0 to issue Certificates of Compliance for SE18-451; Oceanwoods Drive.

### **CONSERVATION FUND EXPENDITURE**

There is a barn on the newly purchased Merry property that needs to be taken down. Three dumpsters at \$525 each plus an additional \$88 per ton (with an estimated extra 4 tons per dumpster) totals \$2631. On a roll call vote with all Commissioners voting yes, it was voted 5-0-0 to approve that \$2631 be expended from the Conservation Fund for dumpsters for the Merry property.

### **AMENDMENT TO ORDERS FOR SE18-1589**

The Harbormaster has requested that the Orders of Conditions for SE18-1589 be amended to change the period for the dredging from January 31 to February 20. Joe Grady recommends this change as the Corps of Engineers has extended their deadline as well although the hope is to complete the harbor dredging project by February 1.

On a motion by Tom Gill, seconded by Dianne Hearn, it was voted 5-0-0 to amend Special Condition 'o' in the Town Orders of Conditions and Special Condition #29 in the State Orders of Conditions for SE18-1589 to say "All dredging activities shall take place between October 1 and February 20."

**Adjournment:** On a motion by Sam Butcher, second by Dianne Hearn, it was voted 5-0-0 to adjourn the meeting at 8:00 pm.

### **MATERIALS REVIEWED AT THE MEETING**

RDA materials for 41 Marginal Road and 30 Railroad Ave

NOI materials for 30 Spring Street

Draft minutes of January 5, 2016