



Town of Duxbury
Conservation Commission

TOWN CLERK
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DUXBURY, MASS.

Minutes of March 8, 2016

The Conservation Commission met on Tuesday, March 8, 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;

Members Absent: John Brawley; Robb D'Ambruoso; Holly Morris

Staff Present: Joe Grady, Conservation Administrator (leaves at 7:30); Susan Ossoff, Administrative Assistant

The meeting was called to order at 7:00 PM

**CONTINUED PUBLIC HEARING; WATSON; 282 POWDER POINT AVE: ENCLOSE
EXISTING PATIO WITH PILE FOUNDATION
SE18-1721**

The applicant's representative has informed the Commission in writing that this project has been withdrawn. A new NOI for a substantially different project will be submitted at a later date.

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

Joe Grady explained that information from Town Counsel about continuing conditions has been received and is identified as confidential; it has been provided to the Commissioners but was not distributed to the applicant.

Freeman Boynton of Duxbury Construction, representing the applicant, presented a method for triggering the reconstruction of the dune. His suggestion is to bury two 3-ton stones towards the end of the wall at elevation 9, which is the elevation of the beach. When these stones are visible the homeowner will know to bring in approximately 200 cubic yards of sand to reconstruct the dune. Joe Grady explained that there was a coastal dune in front of the eroding coastal bank that was lost this winter, leaving the salt marsh vulnerable to wave action. This project will have a requirement that the dune be reconstructed until such time as the salt marsh disappears because of erosion, at which time the continuing obligation to maintain the dune will be removed.

Tom Gill asked whether any of the beach would be occupied by the stones at the toe of the wall; Mr. Boynton said the toe of the wall will not occupy any of the beach. One small set of existing stairs will be eliminated and the stone stairs at the west end of the wall will stay. Tom Gill then asked about any erosion at the end of the wall. Sam Butcher thought that the sediment supply due to the dune reconstruction requirement should hopefully address concerns about erosion.

Sam Butcher suggested that rather than stating that 200 cubic yards of material is required for dune restoration, that it might be preferable to say that 'beach nourishment sufficient to restore elevation is required along with the planting of beach grass'; he suggested that this change be made to the wording on the plan.

Corey Wisneski asked how the orders will be kept open and whether a covenant will be required. Sam Butcher suggested keeping the orders open for the time being, but that eventually they will likely be closed. Corey Wisneski asked if they are closed, how to be sure the condition to reconstruct the dune continues in perpetuity. Sam Butcher suggested it should be included on the Certificate of Compliance that the condition continues. Sam Butcher said that until a Certificate of Compliance is requested no action needs to be taken, but that ongoing conditions can be included on the Certificate of Compliance.

Tom Gill asked how this will be monitored. Sam Butcher said it would seem that the burden is being placed on the Conservation Office to enforce and monitor this.

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 4-0-0 to issue Orders of Conditions for SE18-1722, 30 Spring Street, with the proposed installation of the 3-ton indicator boulders and with the amended language asked for on the plan.

Corey Wisneski asked why there will not be a covenant used in this situation. Sam Butcher said there are 3 reasons in his mind: the dune will likely last a long time between required reconstructions; the salt marsh in front of the property is changing and if the marsh erodes dune reconstruction may no longer be necessary; and the covenant would be unnecessarily redundant. Joe Grady added that because of the elevation, he believes that the dune will remain for an extended period of time before requiring reconstruction.

Corey Wisneski asked if a covenant could be added later; Joe Grady said that yes, it could be added later. He said the Orders will expire in 3 years and they will have to file for an extension to comply.

Tom Callahan, Counsel for Mr. Patel at 20 Bradford Road, asked for a copy of the opinion from Town Counsel. Joe Grady said it is marked confidential. Mr. Callahan requested that the Commission check with Town Counsel about whether the document can be released, that they feel the document would be useful in their application.

BEACH RESERVATION

At 7:30, the Beach Reservation represented by Margaret Kearney, Alan Vautrinot, Andre Martecchini, and Ned Lawson presented information about beach maintenance activities. Andre Martecchini presented the road and parking maintenance project. From the north end of the paid parking lot to Blakeman's the road and parking lot will be improved. The road will be canted from near the dunes at elevation 10 to about elevation 8 towards the marsh so the water will drain towards the marsh.

Al Vautrinot presented the revised Section 5 of the Management and Habitat Conservation Plan. This section has been substantially revised. They have expanded the number of plover monitors, created a new position of monitor supervisor, and added an appendix with the responsibilities of each person clearly outlined in the hopes of increasing cooperation and coordination. It will now be possible to open sections of the beach as broods are located each day on sections of the beach; for instance if all the broods are located up to the first crossover,

that section of the beach can be opened before the broods further south are located. Margaret Kearney hopes to reach out to students in the environmental sciences to be hired as monitors.

Corey Wisneski asked about predator management. Predation control will be implemented again this year, and a \$10,000 grant from DEP has been awarded.

On a motion by Tom Gill, seconded by Sam Butcher, the Commission voted to approve Section 5 of the Beach Reservation Management Plan including Appendix B by a vote of 4-0-0.

ADMINISTRATIVE MATTERS

MINUTES:

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 4-0-0 to approve the minutes of February 23, 2016.

CERTIFICATES OF COMPLIANCE

SE18-1686; 41 Marginal Road: Joe Grady has inspected the property, and the coverage exceeds the allowable amount; he has spoken with the applicant and they will remove coverage to bring it to the maximum allowable 500 square feet and will submit an as-built plan. Joe Grady recommended the Certificates of Compliance be approved contingent on the coverage being reduced to no more than 500 square feet and receipt of a stamped engineered as-built plan. On a motion by Tom Gill, seconded by Dianne Hearne, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1686; 41 Marginal Road contingent on the receipt of a stamped as-built plan showing the coverage does not exceed the maximum allowable 500 square feet.

CONSERVATION FUND EXPENDITURES

NECS – Farm Consulting Services

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 4-0-0 to approve the expenditure of \$3,500 from the Conservation Fund for New England Consulting Services (NECS) to partially fund consulting services as described in Proposal 1 of the August 5, 2015 NECS proposal letter. The balance will be funded from the Merry property acquisition article at the 2015 Town Meeting (CPC).

NECS – Water Withdrawal Consulting Services

On a motion by Tom Gill, seconded by Dianne Hearn, it was voted 4-0-0 to approve the expenditure of \$2,5000 from the Conservation Fund for New England Consulting Services (NECS) to provide consulting services as described in Proposal 2 of the August 5, 2015 NECS proposal letter.

Adjournment: On a motion by Sam Butcher, second by Dianne Hearn, it was voted 4-0-0 to adjourn the meeting at 8:25 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1722

Beach Reservation Management Plan Section 5 and Appendix B

Draft minutes of February 23, 2016