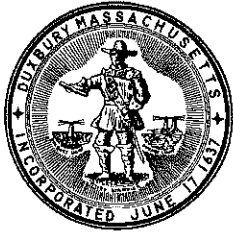


Approved 5/10/2016



Town of Duxbury
Conservation Commission
TOWN CLERK
2016 JUL -7 AM 9:01
DUXBURY, MASS.

Minutes of April 5, 2016

The Conservation Commission met on Tuesday, April 5, 2016 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski; John Brawley; Sam Butcher; Tom Gill; Dianne Hearn; Holly Morris

Members Absent: Robb D'Ambruoso

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

The meeting was called to order at 7:00 PM

**PUBLIC HEARING; CURRIER; 230 MARSHALL STREET; DECK, RECONSTRUCT DUNE,
INVASIVE SPECIES CONTROL
SE18-1725**

Freeman Boynton, Jr. of Duxbury Construction, representing the applicant, described the project which involves three activities: cutting vines and dead trees, removing an existing deck and rebuilding a deck in the same footprint, and reconstruct the dune. There is a pond protected by a dune, and erosion due to wave action could expose the pond. They propose removing trees along the dune, elevating the dune and replanting it with *Rosa rugosa*, beach plums and beach grass. The new deck will have a smaller footprint than the existing deck and coverage in the buffer will decrease slightly.

Holly Morris asked how much of the growth to be removed is within the 35' buffer; Mr. Boynton said he estimates about 15-20%. She then asked how many trees will be removed and Mr. Boynton said only dead trees, no living trees. Corey Wisneski asked if all the growth on the dune will be removed; Joe Grady said that there are currently trees with exposed roots (due to the action of tides) and the area is a cobble berm now. Corey Wisneski asked if they planned to treat the phragmites; Mr. Boynton said this application does not include any proposed treatment of phragmites.

Corey Wisneski asked if there was any plan for renourishment of the dune after storm events and Mr. Boynton said no, there was not. Holly Morris asked if there was going to be any lawn added and Mr. Boynton said no lawn would be added. Sam Butcher expressed concern that more dune reconstruction projects are being proposed, and there is significant brush cutting proposed in an area that is a no-touch area. Joe Grady said that if it is cut each year, the amount of brush that will regrow is reduced. Freeman Boynton said they want to have access to remove vines that are growing on the trees.

Sam Butcher asked if the dune height is being raised about 1-2 feet; Mr. Boynton said yes. Joe Grady said that it is better for the dune not to be tall, that a gentle slope is important, and it has a small base footprint. Corey Wisneski asked if vegetation would be added to the entire dune and Mr. Boynton said yes.

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Jim Merlin of 241 Marshall Street, a neighbor, asked what material would be used to rebuild the dune. Mr. Boynton said sand and plants only.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to issue Orders of Conditions for SE18-1725, 230 Marshall Street.

**PUBLIC HEARING: STARR, JR. TTE; 326 POWDER POINT AVE; ANRAD (RESOURCE AREA DELINEATION)
SE18-1727**

Tom Mazursky from Merrill Engineering and Brad Holmes of Environmental Consulting and Restoration LLC presented the project. The Back River is a Tidal River as designated by the DEP. There are many Resource Areas present including riverfront, salt marsh, coastal beach, coastal bank, and it is land subject to coastal storm flowage.

Joe Grady reported that he and Sam Butcher went out to the site but no flags were present marking the edge of the salt marsh or the edge of the coastal bank. Joe Grady suggested the hearing be continued until the flags can be placed and reviewed. He also asked if this was land containing shellfish; Brad Holmes replied that he had not looked at that but could look later. Joe Grady also said that coverage calculations should not be present on an ANRAD plan and asked that they be removed; the Commission is looking at wetlands lines only and not at coverage. He further said that the Wetlands Protection Overlay District (WPOD) line did not follow elevation 11 on the plan.

Tom Mazursky said he'd address the WPOD issue on the plan, would have the flags placed in the field, and would remove the coverage calculations from the plan.

Bob Hayes of 310 Powder Point Ave asked if there were any plans for projects at the property; Corey Wisneski explained this filing was only about wetlands lines and not about projects.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to continue the hearing for SE18-1727 until April 26 at 7:07 pm.

**PUBLIC HEARING; PONTIFF; LOT B SHANTUM LANE; SINGLE FAMILY HOME
(under local bylaw only)**

Kevin Grady, of Grady Engineering, representing the applicant, described the project which is to construct a single family home. There is an isolated vegetated wetland on the property under the Town of Duxbury bylaw, the delineation was approved in May by the Conservation Commission through an ANRAD. The house is placed as far as possible from resource areas. Within the 50' buffer no trees will be disturbed and the lawn area will be restored. Roof runoff will be run to a drywell, and the coverage is at 5% in the Buffer Zone.

Tom Gill asked about the limit of work line distance to flag 8B on the plan which looked to be 20' from the wetlands. Joe Grady asked that the limit of work line be placed at 25' per the regulations, and Kevin Grady said they would make that change.

Sam Butcher said there is 5% coverage within the buffer zone, and there is encroachment. Kevin Grady said they are proposing changing an area of lawn to an area of native plants to compensate for the encroachment.

On the motion of Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to write Orders of Conditions for Lot B Shantum Lane with the limit of work line moved to 25' off Flag B.

PUBLIC HEARING; DUXBURY CONSTRUCTION FOR WOOD; 18 HICKS POINT ROAD; ADDITION, GRADING, LANDSCAPING SE18-1726

Freeman Boynton, representing the applicants Charles & Karen Wood, described the project. A new home was built 2 years ago, and they now want to expand the bedroom towards the resource area. There will be a retaining wall beneath for storage of kayaks. There is no change in impervious coverage; there was 15% coverage previously approved but the driveway was never paved and without the pavement the coverage is at 11.37%; with the addition it will remain below 15%.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 6-0-0 to issue Orders of Conditions for SE18-1726, 18 Hicks Point Road.

PUBLIC HEARING; WATSON; 282 POWDER POINT AVE; POOL AND GARAGE

Paul Brogna of Seacoast Engineering, Brad Holmes of Environmental Consulting and Restoration, and Paul Ripley of Outdoor Living Environments, together representing the applicants, described the project. In January, a filing was made for this site but that filing has been withdrawn. This property falls within a Riverfront Area. The project proposes a pool with a pervious patio 51' from the wetlands, and a garage in the outer edge of the riverfront area. The current coverage is 31.1%, this proposed project reduces it to 25%.

Brad Holmes said the Riverfront area is a previously degraded area existing prior to the 1996 regulations and as such there are some grandfathering provisions. He reviewed the performance standards for previously degraded riverfront areas. The degraded area can increase in size if there is mitigation at a 1:1 ratio. This project proposes some green areas as mitigation areas that will be revegetated with native plants. The existing degraded area is 31.49%, the proposed degraded area is 33.64% which represents an increase of 682 square feet; they are proposing 927 square feet of mitigated area. Brad Holmes added that over 50 feet from the resource area, pools, sheds and similar buildings are exempt activities; Greg DeCesare at DEP advised him to include these areas, but he is hoping for some flexibility because these are exempt activities.

Holly Morris asked about the pervious pool deck. Paul Ripley said they are proposing using Pemea pavers with a 1 inch gap and underdrainage.

A discussion ensued about what coverage that is present was permitted and what was constructed without required Conservation Commission review and Orders of Conditions. Many of the patio areas were never permitted by the Conservation Commission. There was a discussion about when the various unpermitted areas were constructed. Joe Grady said a lot of

coverage is being used as grandfathered coverage that was not permitted coverage. There has been continued noncompliance on the property. The unpermitted patios were supposed to be removed when the permitted patio was inspected. The coverage on the site continues to grow. The wetlands bylaws allow 15% coverage in the buffer, this property is at 31% and is increasing. The Riverfront allows 10% and this is at 31% and growing. The proposed mitigation areas are on the right side; mitigation for the Riverfront should be between the project and the river, parallel to the river.

Sophia Watson, the property owner, said she is willing to be flexible. She respects the process and the regulations.

Joe Grady said that under the Town's regulations, the pool deck is considered coverage. The concern is how water gets through the buffer zone to the wetlands and changing hydrology, which even decks do, is of concern. Studies show that at 10% coverage, wetlands degrade downstream. The Commission opined that 4' x 4' pavers as shown are not pervious coverage.

Sam Butcher said the challenge for the Commission is to figure out what the existing permitted coverage is; there is disagreement about this and the problem is how to reach agreement. The known and permitted coverage consists of the house (3300 square feet) and the patio (16' x 22' or 352 square feet) for a total of 3652 square feet of permitted coverage. The riverfront mitigation areas need to be oriented perpendicular to the direction of flow, consistent with the intent of mitigation. The 4x4' pavers are larger than the Commission is willing to consider as pervious. The pervious pavers must be considered as coverage around the pool. The project needs to propose coverage closer to the 3652 square feet of permitted coverage.

On a motion by Sam Butcher, seconded by John Brawley, it was voted 6-0-0 to continue the hearing for SE18-1729 to April 26 at 7:12 pm.

ADMINISTRATIVE MATTERS

MINUTES:

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 6-0-0 to approve the minutes of March 22, 2016.

CONSERVATION FUND EXPENDITURE

Merry Barn: Banner Environmental

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to approve the expenditure of \$10,000 from the Conservation Fund for Banner Environmental Services for environmental cleanup costs for the Merry Barn.

Adjournment: On a motion by Sam Butcher, second by Tom Gill, it was voted 6-0-0 to adjourn the meeting at 8:55 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1725, SE18-1726, SE18-1727, and SE18-1729
Lot B Shantum Lane application materials
Draft minutes of March 822, 2016