

Approved 7/12/16



Town of Duxbury Conservation Commission

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DUXBURY, MASS.

Minutes of May 10, 2016

The Conservation Commission met on Tuesday, May 10, 2016 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski, Robb D'Ambruoso, Tom Gill, Dianne Hearn, Sam Butcher (arrives 7:15)

Members Absent: John Brawley, Holly Morris

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

The meeting was called to order at 7:00 PM

PUBLIC HEARING; JULIANO ENTERPRISES; 0 CONGRESS STREET, SINGLE FAMILY HOME SE18-1730

Joe Grady said this is a complicated property and suggested a third party review of the wetlands lines; the applicant was willing to have this done and was eager to begin the process. Nover-Armstrong was contacted and provided a price proposal of \$1350; the Commission needs to approve the hiring of the consultant. On a motion by Robb D'Ambruoso, seconded by Tom Gill, it was voted 4-0-0 to hire Nover-Armstrong to consult on the wetlands delineation part of this project. Mark Casey, representing the applicant, agreed that a 2-week continuance was appropriate. On a motion by Robb D'Ambruoso, seconded by Dianne Hearn, it was voted 4-0-0 to continue the hearing for SE-1730 until May 24 at 7:05 pm.

PUBLIC HEARING: R.H. BURPEE CO.; 44 ELDER BREWSTER ROAD; SINGLE FAMILY HOME SE18-1731

Mark Casey of South Shore Survey, representing the applicant, said there are bordering vegetated wetlands on the property, and also isolated vegetated wetlands under the Duxbury bylaw only.

Joe Grady did a site visit accompanied by Sam Butcher; they did not think the isolated vegetated wetland was a regulatable wetland. It is a very small area (less than 600 square feet). This results in a change in the coverage calculations because the isolated vegetated wetland no longer counts in the calculations. Joe Grady suggested that a revised plan with updated coverage calculations should be required for the Orders of Conditions. The project meets the rules and regulations of the Commission.

On a motion by Tom Gill, seconded by Dianne Hearn, it was voted to write Orders of Conditions for SE18-1731, 44 Elder Brewster Road after a revised plan is received in the Conservation

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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.

Office; the vote was 4-0-1 (Sam Butcher abstained because he arrived to the meeting after this hearing had begun).

**PUBLIC HEARING; BURPEE, TTE; 43 PRISCILLA LANE; DECK RECONSTRUCTION AND STAIRWAY TO BEACH
SE18-1733**

Mark Casey of South Shore Survey represented the applicants and described the project which is to replace the existing deck and use stairs that are anchored into an armored wall. The lower portion of the stairs articulate; they won't touch the beach and can be brought up and if necessary removed. This has all been reviewed and approved by a structural engineer. Sam Butcher said that cantilevered structures are sometimes not advisable but in this case it is a good option because nothing is mounted or secured in the beach, which meets the Commission's requirements. Corey Wisneski commented that the ability to raise the stairs during storms or ice events is advantageous.

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 5-0-0 to write Orders of Conditions for SE18-1733; 43 Priscilla Lane.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 287 POWDER POINT AVE;; CUT TREES, INSTALL DRAINAGE TRENCH, GRADING AND LANDSCAPING
SE18-1732**

Freeman Boynton of Duxbury Construction represented the applicant and described the project. Most of the work is outside the buffer zone. In the buffer zone they want to remove some trees and fill at the top of the slope to create more yard, and then mulch the slope. At the base of the slope will be a drainage trench which will catch the runoff and will accommodate a 25-year storm. Neighbors expressed concern with the number of trees being removed so they have decided to leave the cedars and take down the larger pines.

Sam Butcher expressed concern with the stability of mulch on the steep slope and maintenance of the drainage trench. Freeman Boynton thinks it will all stabilize; there are drywells outside the buffer zone and the trench does not drain the entire site. Sam Butcher asked if the trench will be necessary after the slope is stabilized and whether the mulch will clog the drain; Mr. Boynton said he discussed this with an engineer and by leaving a small berm at the low side of the drainage trench it can exceed storm capacity. Once the slope is vegetated and mulched there shouldn't be a lot of runoff. Robb D'Ambruoso asked how many trees will be taken down; Mr. Boynton said about 12 trees and that the cedars along the property line will be kept.

Terry Vose of 281 Powder Point, an abutter, is concerned with the runoff towards the pond. He also is concerned with runoff down the driveway.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 5-0-0 to write Orders of Conditions for SE18-1732.

**CONTINUATION OF PUBLIC HEARING; STARR, JR. TTE; 326 POWDER POINT AVE;
ANRAD
SE18-1727**

Tom Mazursky from Merrill Engineering provided an updated plan in response to comments and input from the Commission and Joe Grady at the previous hearing. Joe Grady said he has visited the site a few times; the top of the coastal bank has been adjusted, and he recommends accepting the revised plan as accurate with the exception that land containing shellfish has not been identified and should be noted.

On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 5-0-0 to accept the ANRAD as revised as accurate for SE18-1727, 326 Powder Point Ave. Note: the quorum for this vote is Sam Butcher, Dianne Hearn, Tom Gill, and Corey Wisneski.

ADMINISTRATIVE MATTERS

MINUTES:

On a motion by Sam Butcher, seconded by Tom Gill, seconded by Dianne Hearn, it was voted 4-0-0 to approve the minutes of April 5, 2016.

CERTIFICATES OF COMPLIANCE

SE18-1547; 46 Standish 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 Tom Gill, seconded by Dianne Hearn, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1547; 46 Standish Road.

ISLAND CREEK FISH RUN: DISCUSSION OF WORK

Joe Grady explained that work has been done to re-establish the herring run in Island Creek. A fish ladder was reconstructed using money from CPC, grant money, and donations. All work is being done with the help of the Division of Marine Fisheries (DMF). Island Creek Pond was stocked with fish from Plymouth 5 years ago. This year DMF recommended some additional modifications. The inlet of Island Creek is sealed with shrubs and vegetation, and that needs to be opened. Some sediment in the stream bed near Elm Street will be removed with buckets. A filing will be done to get approval from the Commission to do this work.

ZONING BYLAWS REVIEW COMMITTEE MATERIALS FOR REVIEW

Joe Grady the Zoning Bylaws Review Committee (ZBRC) has been meeting for about 3 years. The original charge was to clarify the bylaws, now they have gone further and hired an attorney to really dig into the bylaws. The Wetlands Protection Overlay District has been discussed at the Conservation Commission and Sam Butcher, Holly Morris, and Joe Grady have met previously to discuss how to revise the WPOD. Some written information has been distributed to the Commission; ZBRC will want some input on this, piers, and the APOD (Aquifer Protection Overlay District). This will be discussed in detail at a future Commission meeting.

TERMS EXPIRING IN JUNE 2016

The terms expiring in June are: Dianne Hearn, Holly Morris, and Corey Wisneski

ENFORCEMENT ORDER

Joe Grady asked that the Commission vote an Enforcement Order for 640 Bay Road. All the trees on the lot were cut down on a coastal bank, through a wetland to a salt marsh. A restoration plan is needed. Tom Gill said the diameter of replacement trees should be specified. Joe Grady said stump sprout maintenance often produces better results than planting new trees.

Joe Grady said if you order restoration without asking them to file an NOI the ability to appeal is removed. He suggested a restoration plan be required to be presented to the Commission within 30 days. On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0-0 to issue and Enforcement Order for 640 Bay Road.

Adjournment: On a motion by Sam Butcher, second by Tom Gill, it was voted 5-0-0 to adjourn the meeting at 8:20 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1727; SE18-1730; SE18-1731; SE18-1732; SE18-1733
Draft minutes of April 5, 2016