

Approved September 20, 2016



Town of Duxbury Conservation Commission

TOWN CLERK
2016 SEP 27 AM 11:45
DUXBURY, MASS.

Minutes of June 7, 2016

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

Members Present: Chairman Corey Wisneski, Sam Butcher, Robb D'Ambruoso (arrives 7:05), 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

PUBLIC HEARING; TURNER; 978 TEMPLE STREET: ADDITION, DECK, POOL, PATIO SE18-1736

Richard Servant of Stenbeck & Taylor represented the applicant and described the project which is an addition, pool, patio and deck. The existing coverage is 3.6% and the proposed coverage is 7% in the buffer zone, which is a 900 square feet increase of coverage in the buffer zone. There will be no tree work.

Joe Grady said some corrections to the coverage calculations are needed; he had left a message asking for corrected calculations and a break down into the component parts but has not received it. The pool and associated structures must be more than 50 feet from the wetlands; the proposed pool apron is 40 feet away.

Richard Servant said he will move the pool back to more than 50 feet from the wetlands. Sam Butcher asked if the lawn will be expanded or the grade changed; Mr. Servant said the lawn will not be expanded and that there will be no grade changes.

The plan needs to be revised to provide necessary coverage calculations with a breakdown by component and the pool needs to be relocated.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to continue the hearing for SE18-1736 until June 21 at 7:15 pm.

PUBLIC HEARING; TURNER; 69 HORNBEAM ROAD: DECK SE18-1735

Joe Webby represented the applicant and described the project which is to add a deck between the house and the existing pool. The coverage will be slightly less than 15%. Joe Grady said the project meets setback requirements. Sam Butcher advised the applicant that 14.99% coverage leaves no wiggle room and to pay close attention to that during the construction process.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to write Orders of Conditions for SE18-1735, 69 Hornbeam Road.

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PUBLIC MEETING; TOWN OF DUXBURY CONSERVATION COMMISSION; ISLAND CREEK NEAR ELM STREET CROSSING; HERRING RUN MAINTENANCE WORK

Joe Grady explained that he has been working for more than 15 years with the Division of Marine Fisheries to restore herring to Island Creek Pond by improving the ability of the fish to pass. In 2006 the fish ladder was reconstructed and the run has been stocked for 5 years; fish are migrating to Mill Pond but not to Island Creek Pond. All the work to be done will be done by hand with state and volunteer workers. The channel into the pond will be improved, and it will be inspected annually and vegetation and other obstructions removed to allow passage. There is no cost for this work.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 6-0-0 to move a Negative Determination for the herring run maintenance work; no Notice of Intent is required.

PUBLIC HEARING: ARDEA REALTY TRUST, STARR, JR. TTE; 326 POWDER POIT AVE; REVETMENT AND LANDSCAPING SE18-1738

Tom Pozerski of Merrill Engineering asked for a continuance to revise the plans for this project.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to continue the hearing for SE18-1738 until June 21 at 7:20 pm.

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

Mark Casey from South Shore Survey explained that the Commission hired Marta Nover to review the wetlands delineation and she submitted a letter report. She raised the question of there being a possible vernal pool on the property, but Mr. Casey explained it is a blocked culvert that will be cleaned out by hand and not a vernal pool, and that they had a wetlands scientist prepare a response to the letter comments. Joe Grady concurred that it is not a vernal pool, it is not connected to any ponds and there are no fish in it; the consultant found the plans to be accurate.

On a motion by Holly Morris, seconded by Tom Gill, it was voted 6-0-0 to write Orders of Conditions for SE18-1730, 0 Congress Street.

CONTINUED PUBLIC HEARING; STARR, JR. TTE; 326 POWDER POINT AVE; SINGLE FAMILY HOME SE18-1734

Tom Pozerski said they had provided revised plans and the plan complies with Town and State rules and regulations. There is more mitigation than required with a 2.3:1 ratio. The house has been moved back and a septic system has been approved.

Joe Grady said the minor issues pointed out previously by the Commission have been corrected. The mitigation is along the resource area and is a good proposal for mitigation.

Bob Hayes of 310 Powder Point Ave asked what the mitigation consists of. Mr. Pozerski said the plan is to remove invasive species and replace them with native species. The native trees

will stay as well as the native shrubs. Dawn Holder of 350 Powder Point Ave asked about the trees along the beach; Mr. Pozerski said there will be a subsequent filing about the revetment and they are aware of the erosion problem and will be addressing it.

On a motion by Tom Gill, seconded by Holly Morris, it was voted 6-0-0 to write Orders of Conditions for SE17-1734, 326 Powder Point Ave.

ADMINISTRATIVE MATTERS

MINUTES

On a motion by Dianne Hearn, seconded by Tom Gill, the minutes of April 26, 2016 were approved by a vote of 5-0-0.

CERTIFICATES OF COMPLIANCE

SE18-1623; 34 Mayflower Road: This project was to address a wetlands violation. The area has been replanted and has grown back and Joe Grady has inspected the site and recommends a Certificate of Compliance for SE18-1623. On a motion by Tom Gill, seconded by Holly Morris, it was voted 5-0-0 to issue Certificates of Compliance for SE18-1623, 34 Mayflower Road.

SE18-1389; 434 Lincoln 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 Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to issue Certificates of Compliance for SE18-1389; 434 Lincoln Street.

CHANGES TO PLAN: SE18-1708; 80 Seabury Point Road

Paul Brogna on behalf of the homeowner is requesting revisions to the approved project. Joe Grady said he recommends that they file a new Notice of Intent. A lot of time was spent on reviewing the proposed wall; a sloped stone was required to dissipate wave energy impacts on the wetlands. Paul Brogna said the contractor, Duxbury Construction, felt that it was easier and less expensive to use a segmented block wall to replace the existing armored wall. They feel this is a minor change and that a new NOI is not going to provide additional information.

Holly Morris asked why the wall is now perpendicular given that before it had a slope. Mr. Brogna said that the Earley's don't have much depth in their back yard, and with the sloped wall more backyard will be lost than they are comfortable with. The segmental block wall it is more economical, it preserves the back yard, it is faster to install and cleaner. Holly Morris responded the slope is designed to dissipate wave energy.

Corey Wisneski said she felt that this is a different project. The cover letter that accompanies the proposed revisions says that the change is in the materials being used and that all other design details are the same. She said the design itself is changing and she prefers a new NOI because this is not the same project. Mr. Brogna reiterated that it is the same project in his opinion.

Joe Grady said this is a major change to a vertical wall and a new NOI is necessary. The Commission is supposed to protect wetlands and the vertical wall won't help protect the

wetland resource area, and it is possible that a vertical wall will not be permitted by the Commission. During the hearing process it was made clear to the applicant that a significant part of their yard would be lost; the hearing was continued to make sure they had time to discuss this and understand this.

Mrs. Earley, the homeowner, said that until Freeman Boynton came out she didn't fully understand how much yard would be lost. This is why a new design was developed. Sam Butcher asked for additional information on the blocks; Paul Brogna said they are 1500-2000 pound concrete blocks with holes for drainage. Sam Butcher said the Commission prefers to stay away from vertical faces; he appreciates the homeowners concerns but if the original application had a vertical wall it might not have been permitted, so a new NOI is necessary for this change.

The applicant's representative asked for a short recess. When they returned, they withdrew the request for the amendment to the plan and will use the original Orders of Conditions for the project.

TERMS EXPIRING JUNE 2016

Dianne Hearn's term is expiring and she has decided to not seek another term. John Brawley (who was not present) has indicated to Joe Grady that he intends to resign because of his inability to attend the meetings.

Adjournment: On a motion by Robb D'Ambruso seconded by Tom Gill, it was voted 6-0-0 to adjourn the meeting at 7:55 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1736; SE18-1735; SE18-1738; SE18-1730; SE18-1734
RDA materials for Island Creek herring run