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DUXBURY, MASS.

Town of Duxbury Conservation Commission

Minutes of October 4, 2016

The Conservation Commission met on Tuesday, October 4, 2016 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Vice Chairman Tom Gill; Sam Butcher; Mickey McGonagle; Holly Morris; Scott Zoltowski

Members Absent: Robb D'Ambruoso; Corey Wisneski

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

The meeting was called to order at 7:05 PM

PUBLIC MEETING; MCCARTHY; 197 CHANDLER STREET; REPLACE DECK WITH ENCLOSED ROOM ON SONOTUBE TYPE FOUNDATION

This project is to replace a deck with an enclosed room on a sonotube foundation. There will be one sonotube within the 100-foot buffer zone. Joe Grady recommended a Negative Determination for this project.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to issue a Negative Determination so no Notice of Intent is required for the proposed work at 197 Chandler Street.

PUBLIC HEARING; SULLIVAN; 78 SAW MILL ROAD; GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY SE18-1749

Patrick Sullivan, the property owner, was present. The project was described by Michael Tangy of BlueSel Home Solar, and is a ground mounted solar array next to a home. The project requires the removal of trees. Augers will be used to install the ground mounts and there will be a trench to bring electricity to the house. Tom Gill asked about the height of the panels off the ground and Mr. Tangy said they would be 2-3.5' off the ground. The trees to be cut down are mostly shrubs and scrub pine. Tom Gill asked if this was to supply electricity to the house, and Mr. Tangy said it will provide that plus more. Patrick Sullivan said it will be a 25 KW system which is the largest that is allowed for a residential installation. Mr. Sullivan added that there are solar panels on the roof as well. Tom Gill asked what percent of the amount being generated is being used for the house; Mr. Sullivan said it is also used for a well and irrigation system.

Sam Butcher asked what the distance of the nearest panel is to the wetlands; the trenching work is outside of the 100-foot buffer. Joe Grady said it is about 60' from the wetlands at the closest point. Sam Butcher said energy production is not under the jurisdiction of the Conservation Commission; the issues are proximity to wetlands and coverage. Tom Gill said he questions whether this is a commercial installation. Joe Grady pointed out that this is the first ground mounted solar filing before the Commission.

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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.

Holly Morris asked about the slope of the land and whether all vegetation will be removed. Mr. Tangy said the slope is about 5 degrees and Mr. Sullivan said vegetation up to 40 feet from the edge of High Street will be removed. Holly Morris asked if any mulch will be used and Mr. Sullivan said the trees will be chipped and that will be used on the slope.

Ed Koplosvsky, owner of the abutting bogs, said Mr. Patrick's well was permitted by the Town within 100 feet of the bogs although they believe it should not have been. Now they are concerned that the solar project will also be in the buffer zone. They have a bog access easement, and trucks pass over the land for growing and harvesting cranberries. He said that the height of the panels will interfere with the truck passage and the slope of the hill is much more than the 5 degrees stated earlier at the hearing. Mr. Koplosky provided a map showing the easement.

Michael Tangy said they attempted to stay out of the easement in locating the panels. Mr. Koplosky said a site visit is needed. Brian Koplosky wants to see where the panels are going to be on the site. Brian Koplosky said they are trying to preserve their right to harvest over the easement; they are not trying to stop the solar installation.

Patrick Sullivan said he understood the Koplosky's concerns. Sam Butcher suggested that the applicant stake out where the panels will be located and meet with the Koplosky's. Joe Grady concurred and suggested that the hearing be continued and in the meantime the location can be staked so both sides can discuss the location. Joe Grady further pointed out that the WPOD line is not on the plan. The easement itself is not on a plan, it is based on use over time.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted to continue SE18-1749, 78 Saw Mill Road, until Tuesday October 18 at 7:10 pm.

**PUBLIC HEARING; KELLEY; 43 OCEAN ROAD NORTH; REPLACE BLOCK FOUNDATION WITH PILE FOUNDATION
SE18-1750**

Paul Brogna representing Gail and Tom Kelley described the project which is to raise a nonconforming house on a 40' x 100' lot onto a pile foundation. The house will be raised 6-6.5 feet. The site coverage is currently at 72% and there will be no change in coverage. Based on FEMA maps, the new V-zone is 8' closer to the seawall and the design takes this into account. The footing is non-continuous; about 11-12 stairs will be added. Joe Grady asked how the pilings will be enclosed, and Paul Brogna said it will remain open underneath with no breakout panels. Tom Gill asked if the concrete area in front of the house will be reduced in size; Mr. Brogna said the Kelleys want to maintain that as it is. Joe Grady asked if the concrete is being replaced; Mr. Brogna said it will not be replaced if it can withstand the construction process. Joe Grady said he wanted an answer to that question now. Sam Butcher asked if the concrete breaks if they anticipate having to come back with another application to repair it, or if it would be advisable to make it part of this project. Mr. Brogna said they do not plan to replace the concrete. Sam Butcher said that if concrete destruction occurs, the applicant will be required to return to the Commission to address the need to repair or replace the concrete.

Tom Shiebler of 41 Ocean Road North said he supports the project, but his property is lower than his neighbors and he is concerned about that; Mr. Brogna said they will regrade the area under the house and blend the grades with the abutting property. Don Norris of 53 Ocean Road North said he supports the Kelley's planned work.

On a motion of Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0-0 to write Orders of Conditions for SE18-1750, 43 Ocean Road North.

PUBLIC HEARING; O'CONNOR LANDSCAPE; 13 BRISTOL DRIVE; GRADING SE18-1751

Nick O'Connor described the project which is to make the lawn next to the driveway more usable. The work was started because Mr. O'Connor did not realize it was in the buffer zone. Tom Gill said that no lawn is allowed within 25 feet of the wetland resource area; Joe Grady said the lawn is pre-existing and they are proposing a 10-foot buffer. Mr. O'Connor said they are proposing a 10-foot slope covered with mulch. Joe Grady said this improves the existing conditions, the lawn used to go to the edge of the resource area.

Scott Zoltowski said it is 35' to the edge of the driveway, they are proposing a 10' buffer so there will be 25' of lawn. Tom Gill asked if the mulch buffer can be enlarged; Mr. O'Connor asked how much and Tom Gill suggested 5-8 more feet. Sam Butcher said the project proposes a 10' buffer where there previously was none, and they are mulching and creating a buffer. Scott Zoltowski asked what the benefit of 5 additional feet would be; the proposed work offers a buffer where there was none previously. Holly Morris said she is fine with a 10' buffer. Mickey McGonagle said sediment control is better with a bigger mulch area.

Brian and Eileen Donnelley of 14 Bristol Drive raised concerns. Mrs. Donnelley said 7-8 truckloads of dirt have come in and she is concerned about the effect on the wetlands. The grade has changed. Mr. Donnelley said the slope has an effect on the wetlands. Mr. O'Connor said the truckloads of dirt were to create a flat area so they can bring trucks in and that will not be the final grading on the property. Joe Grady said the size of the wetland area is not being changed.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0-0 to write Orders of Conditions for SE18-1751, 13 Bristol Drive.

PUBLIC HEARING; DUXBURY CONSTRUCTION; 283 KING CAESAR ROAD; DEMOLISH POOL AND PATIO, REMOVE BLOCK WALL AND CONSTRUCT SLOPE STONE SEAWALL SE18-1752

After the reading of the Public Notice, Joe Grady said the office had received a letter asking to continue this hearing until October 3 because the applicant needs to negotiate with the abutters over some matters.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0-0 to continue the hearing for SE18-1752, 283 King Caesar Road, until October 18, 2016 at 7:15 pm.

ADMINISTRATIVE MATTERS

MINUTES:

June 21, 2016: On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to approve the minutes of June 21, 2016.

June 21, 2016 Executive Session: On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to approve but not release to the public the Executive Session minutes of June 21, 2016.

Certificate of Compliance: Lot B Shantum Lane (local bylaw only)

Joe Grady reported that he has the as-built plan and all required documentation and he has done a site visit and recommends issuance of a Certificate of Compliance for Lot B Shantum Lane under the local bylaw only.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to issue a Certificate of Compliance under the local bylaw only for Lot B Shantum Lane.

EXECUTIVE SESSION

Sam Butcher made the following motion: I move we go into Executive Session to consider the taking, purchase, exchange, lease or value of real property because such discussion may have a detrimental effect on the negotiating position of the governmental body, and to reconvene in open session in accordance with MGL C.39, Section 23B, Subsection to adjourn. The motion was seconded by Tom Gill. Roll call vote: Tom Gill, yes; Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes

Adjournment: On a motion by Scott Zoltowski seconded by Tom Gill it was voted 5-0-0 to adjourn the meeting at 8:35 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1749; Se18-1750; SE18-1751

RDA materials for 197 Chandler Street

Draft minutes of June 21