

Approved 1/10/2017



Town of Duxbury Conservation Commission

TOWN CLERK
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DUXBURY, MASS.

Minutes of November 1, 2016

The Conservation Commission met on Tuesday, November 1, 2016 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

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

Members Absent: Robb D'Ambruoso

Staff Present: Susan Ossoff, Administrative Assistant

The meeting was called to order at 7:00 PM

PUBLIC HEARING; TASNEY; 0 MAYFLOWER STREET (777 MAYFLOWER); REMOVE EXISTING FOUNDATION AND CONCRETE PARKING AREA, CONSTRUCT DRIVEWAY, LAWN, UTILITIES

SE18-1754

Greg Morse of Morse Engineering described the project which is site work for a single family home. The wetlands are off of the site across Mayflower Street; the new house and septic are outside of the buffer zone. The lot was previously developed land and there was asphalt and concrete in the buffer area. The foundation and asphalt are being removed and replaced with lawn, and there is a driveway to the house and underground utility connections that are in the buffer zone. A mulch filter sock will be used. The existing coverage in the buffer zone is 94.8% or 5346 square feet; the proposed coverage will be 20.1% or 1137 square feet. 4000 square feet of impervious coverage are being removed from the buffer zone.

Corey Wisneski said there is a significant reduction in coverage though the proposed coverage will be over the allowable 15%. Section 23.4 of the Regulations allows that in the case where the wetlands resource area and most of the buffer zone are not located on the lot where the proposed work will be done, the Commission can consider allowing more than 15% coverage. Scott Zoltowski said the reduced coverage is an improvement in the lot.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0-0 to write Orders of Conditions for SE18-1754, 0 Mayflower Street recognizing the coverage exceeds 15% but the Commission is using its discretion in this situation under Section 23.4 where the resource area and buffer zone are outside of the lot, and the project is resulting in a significant reduction of coverage.

PUBLIC HEARING; R.H. BURPEE CO.; 1 BEACH PLUM LANE; SINGLE FAMILY HOUSE

SE18-1756

Mark Casey of South Shore Survey and Paul Ripley, landscape architect, representing the applicant, described the project. An existing structure has been razed and a new single family home connected by a porch to a barn is being constructed. The roof area will be increased and subsurface drainage is proposed for the roof runoff. The driveway is gravel; the area around the

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pool is pea stone. The lawn area will be restored as shown on the landscape plan. Coverage in the buffer zone will be less than 10%.

Soren Jensen, an abutter on 4 Puritan Road, expressed concern that the house and pool are within the 100 foot buffer zone. Corey Wisneski said a project can be permitted in a buffer zone as long as it meets the bylaws. This project proposes less than 10% coverage in the buffer zone; the allowable coverage is 15%. No work is proposed within 25' of the resource area. Sam Butcher added that the pool location is also in compliance with the regulatory requirements.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to write Orders of Conditions for SE18-1756, 1 Beach Plum Lane.

PUBLIC HEARING; DUXBURY CONSTRUCTION; 58 STETSON PLACE; DEMOLISH PAINT SHOP AND EXCAVATE FOR NEW FOUNDATION FOR RELOCATION OF STRUCTURE FROM 46 WINSOR STREET

SE17-1755

Freeman Boynton of Duxbury Construction representing property owner David Corey described the project which is to relocate a structure from 46 Winsor Street to this site. The house will be outside of the buffer zone but the deck will be within the buffer. An issue is how to get the house to the site; neighbors have said it cannot proceed down Stetson Place. They are hoping to go down Western Way which will require some clearing between Western Way and the house. There are two 8-inch pine trees and underbrush that will be cleared, after the house is moved this area will be revegetated with trees but no lawn.

Tom Gill asked if any remediation is required at the former paint shop site. David Corey said there was an extensive report and the work is completed. Sam Butcher asked for a 1-paragraph narrative describing the moving of the house – the path, what will be removed and what will be replanted. Mr. Corey said he will speak with the neighbors and will submit the required information to the Commission.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 6-0-0 to write Orders of Conditions for SE18-1755 to include the requested information regarding the moving of the house and the vegetation removal and replanting.

CONTINUED PUBLIC HEARING; SMITH & STERN; 553 UNION STREET; RELOCATE AND PAVE DRIVEWAY

SE18-1753

Erica Stern reviewed the revised plan which included the driveway area in the coverage and the additional wetlands resource area. The proposed coverage is less than 10%. Corey Wisneski reported that Joe Grady has been to the property and reviewed the calculations with the applicant.

On a motion by Holly Morris, seconded by Scott Zoltowski, it was voted 6-0-0 to write Orders of Conditions for SE18-1753, 553 Union Street.

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

Corey Wisneski reported that this project has been revised and is now out of the Buffer Zone and so out of the jurisdiction of the Conservation Commission. A letter of withdrawal of the project has been received and the Public Hearing is now closed.

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

Freeman Boynton updated the Commission that the applicant and Beach Association group have met and have come up with a resolution to all concerns. A revised plan will be submitted to the Commission and he is requesting a continuance of the hearing.

On a motion by Scott Zoltowski, seconded by Holly Morris, it was voted 6-0-0 to continue the hearing for SE18-1752 until December 6 at 7:10.

640 BAY ROAD; ENFORCEMENT ORDER DISCUSSION

Freeman Boynton of Duxbury Construction and Emmett Sheehan of Eagle's Nest Landscaping and property owner Mr. O'Connor were present to discuss the situation. Emmett Sheehan described the remediation plan provided to the Commission. Approximately 10 trees were removed on the property, some of them according to Mr. Sheehan before the O'Connor's purchased the property which was about a year ago. The Commission issued an Enforcement Order. The wetlands were flagged and meetings were held on site with Joe Grady and a replanting plan has been proposed.

Holly Morris asked about the diameter and type of trees that were removed; Mr. O'Connor said about 4-5 trees of 8-12 inches in diameter were removed by them. Holly Morris asked whether any ground cover would be used; Mr. Sheehan said pepper bush and blueberries might be used, he said there has been some regrowth and that would not be touched.

Corey Wisneski reported that Joe Grady suggested that 30 days be allowed for replanting. Emmet Sheehan expressed concern about the lateness of the season; some varieties of trees may not survive if planted this late in the season though the maple trees would be OK. Sam Butcher suggested the deadline be June 15.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0-0 to accept the proposed remediation plan with the maple trees to be planted within 30 days and the balance of the plantings to be completed by June 15, and the requirement that a letter be sent by June 30 stating that the planting is completed.

ADMINISTRATIVE MATTERS

MINUTES:

July 26, 2016: On a motion by Holly Morris, seconded by Sam Butcher, it was voted 4-0-2 to approve the minutes of June 12, 2016 as written. Abstaining from the vote were Mickey McGonagle and Scott Zoltowski.

CERTIFICATES OF COMPLIANCE:

SE18-1733; 43 Priscilla Lane: Corey Wisneski reported that Joe Grady said he has not yet inspected the site so this will be put on a subsequent Agenda.

SE18-1714; 274 Marshall Street: Corey Wisneski reported that Joe Grady said he has not yet inspected the site so this will be put on a subsequent Agenda.

SE18-1071; 52 Bay Pond Road: Corey Wisneski reported that Joe Grady said that he has inspected this site, all required documentation has been received and he recommends issuing Certificates of Compliance for SE18-1071, 52 Bay Pond Road. On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 6-0-0 to issue Certificates of Compliance for SE18-1071, 52 Bay Pond Road.

REQUESTED CHANGES TO PLANS UNDER EXISTING ORDERS OF CONDITIONS

SE18-1709; 142 GURNET ROAD

The additional work requested is an underground utilities line. The second story changes to the project result in no changes to the footprint. Sam Butcher made a motion to include the proposed work and plan with requested changes as part of the existing orders; the motion was seconded by Holly Morris and the vote was 6-0-0.

CONSERVATION FUND EXPENDITURE

Some funding is needed for loam and seed at the Keene's Mill dam site following completion of the restoration of the foundation as a CPC project. On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 6-0-0 to approve the expenditure of \$2000 from the Conservation Fund for landscaping (including loam and seed) at the Keene's Mill foundation reconstruction site.

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 Corey Wisneski. Roll call vote: Corey Wisneski, yes; 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 6-0-0 to adjourn the meeting at 7:55 pm.

MATERIALS REVIEWED AT THE MEETING

NOI materials for SE18-1754; SE18-1755; SE18-1756; SE18-1753

Revised Plan for SE18-1709

Draft minutes of July 26