



Town of Duxbury
Conservation Commission

Minutes of April 11, 2017

Approved 5/9/2017

TOWN CLERK

2017 JUL 12 AM 10:48

DUXBURY, MASS.

The Conservation Commission met on Tuesday, April 11, 2017 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski; Robb D'Ambruoso; Mickey McGonagle; Scott Zoltowski

Members Absent: Sam Butcher; Tom Gill; Holly Morris

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

The meeting was called to order at 7:00 pm.

TURKEY HUNTING ON CONSERVATION LAND

Peter Prime of Myrtle Street in Duxbury explained that he is seeking permission to hunt turkeys on the Jaycox Tree Farm land; he made this request in writing to the Commission. This would be bow hunting only. Corey Wisneski commented that the Commission has never allowed turkey hunting before. Joe Grady said there is a spring season and a fall season. The Jaycox land is two parcels that total 25 acres; all setbacks required for hunting from roads and houses can be met on this land. Joe Grady said the Commission can allow hunting in areas beyond what is allowed under the Rules & Regulations by written permission to each applicant. Currently about 1000 acres of land are open to deer hunting (by archery only). Robb D'Ambruoso asked if there is any recreational use of the Jaycox land and Joe Grady said that there are no trails there.

On a motion by Mickey McGonagle, seconded by Scott Zoltowski, it was voted 4-0-0 to allow Peter Prime to hunt for turkey and deer on the Jaycox land.

**PUBLIC HEARING; DRUMMOND; 0 CUSHING DRIVE; SINGLE FAMILY HOME
SE18-1758**

Mark Casey of South Shore Survey, representing the applicant, described the project which is a single family home. This house is outside the 100' buffer zone but is within the 200' Riverfront area. Joe Grady asked if native plantings could be included on the slope in the Riverfront area rather than installing conventional lawn; this will be included in the Orders of Conditions. Mr. Casey will submit a plan for this planting to the Conservation Office.

On a motion by Scott Zoltowski, seconded by Mickey McGonagle, it was voted 4-0-0 to write Orders of Conditions for SE18-1758, including an order requiring a plan for native plantings on the slope in the Riverfront area be submitted for approval.

**PUBLIC HEARING; DUXBURY CONSTRUCTION; 140 MARSHALL STREET; SINGLE
FAMILY HOME
SE18-1759**

Freeman Boynton of Duxbury Construction LLC described the project which is to remove the existing structure and build a new house mostly on the same footprint with some extensions. Some unhealthy trees will be removed from the area near the coastal bank. The new foundation meets the 50' setback; one portion of the foundation is on piers. A patio will be constructed with

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a retaining wall. The roof overhangs are included in the coverage calculations. The overall coverage will decrease 1% from the existing coverage; this will be accomplished by removing the driveway pavement. Joe Grady said the project meets the Commission's rules and regulations. Scott Zoltowski noted that a float that is 10' x 14' is being replaced by a 10' x 20' float.

On a motion by Scott Zoltowski, seconded by Robb D'Ambruoso, it was voted 4-0-0 to write Orders of Conditions for SE18-1759, 140 Marshall Street.

**PUBLIC HEARING; NORRIS; 33 MARGINAL ROAD; SINGLE FAMILY HOME ON PIER FOUNDATION
SE18-1760**

Mrs. Norris, the applicant, described the project which is to build a single family home on a pier foundation. The foundation plan has been submitted as part of the application. Joe Grady commented that the finished floor is at elevation 10, and asked if that complies with the flood zone requirements. The flood maps propose this to be a V zone. Joe Grady recommended including in the Orders that the project comply with the building code regarding flood zones. Ms. Norris reported that the Building Department told her that the project is grandfathered from FEMA regulations. Joe Grady said it is not the Conservation Commission's jurisdiction to enforce these requirements, but the Orders will require compliance with the elevation requirements. This project is in the Resource Area so coverage is not an issue; even though coverage is increasing the water flows under the building. Joe Grady said this project must comply with the maximum allowed 500 square feet of impervious surface in a V zone. Mrs. Norris said they do not plan to pave the driveway.

On a motion by Scott Zoltowski, seconded by Mickey McGonagle, it was voted 4-0-0 to write Orders of Conditions for SE18-1760, 33 Marginal Road, with an order to be included requiring compliance with building codes regarding flood zones.

**CONTINUED PUBLIC HEARING; DUCKS BERRY LLC; 1065 SUMMER STREET; DRIVEWAY ENTRANCE, INFILTRATION BASINS, AND WATER MAIN
SE18-1757**

The applicant has asked for a continuance of this hearing.

On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 4-0-0 to continue the hearing until June 6 at 7:15.

**PUBLIC HEARING; DUXBURY CONSTRUCTION; 37 FORT HILL LANE; WALKWAY DECK AND BEAMS AND REPLACE PILINGS IF NECESSARY
SE18-1761**

Freeman Boynton of Duxbury Construction described the project which is to remove the superstructure on an old style pier and replace it using traditional construction. The walkway deck will be wider than it currently is; it now is 41"-43" and will be 48" after construction. The railings will be replaced. If during construction a few pilings are found to be in need of replacement, he would like that to be included under these Orders. Joe Grady asked about the existing floats which are 2 large floats; Mr. Boynton said these are not being replaced; these cannot be replaced under the existing orders.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 4-0-0 to write Orders of Conditions for SE18-1761, 37 Fort Hill Lane, to include that a few piles may be replaced under these Orders with permission from the Conservation office and to include that this Order does not include replacement of the existing floats.

ADMINISTRATIVE MATTERS

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MINUTES

February 28, 2017: On a motion by Scott Zoltowski, seconded by Corey Wisneski, the minutes of February 28, 2017 were approved by a vote of 4-0-0 with a correction of the date on the first page.

February 28, 2017 Executive Session: On a motion by Robb D'Ambruoso, seconded by Scott Zoltowski, it was voted 4-0-0 to approve but not release to the public the Executive Session minutes of February 28, 2017.

REQUEST FOR A WAIVER OF FEES; SE18-1762; 0 LAKE SHORE DRIVE

Habitat for Humanity is the applicant for this project which is a single family affordable home. They have requested a waiver of the Town portion of the Conservation fees. On a motion by Scott Zoltowski, seconded by Robb D'Ambruoso, it was voted 4-0-0 to waive the Town Conservation fees for project SE18-1762, 0 Lake Shore Drive.

CERTIFICATES OF COMPLIANCE

SE18-1326, 181 Myrtle Street: Joe Grady said that he has inspected this site, all required documentation has been received, the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1326, 181 Myrtle Street. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1326, 181 Myrtle Street.

SE18-535; 478 Lincoln Street: Joe Grady said that he has inspected this site, all required documentation has been received, the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-535, 478 Lincoln Street. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 4-0-0 to issue Certificates of Compliance for SE18-535, 478 Lincoln Street.

SE18-1661, 100 Depot Street: Joe Grady said that he has inspected this site, all required documentation has been received, the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1661, 100 Depot Street. On a motion by Corey Wisneski, seconded by Mickey McGonagle, it was voted 4-0-0 to issue Certificates of Compliance for SE18-1661, 100 Depot Street.

REQUESTED REVISION TO PLANS: 58 Stetson Place; SE18-1755

Joe Grady explained that since the original Orders were written, the applicant has returned once for permission to construct a labyrinth. This second request is to do some additional grading and to change the location of the limit of work line. The limit of work line will be moved from 70' from the wetlands to 50' from the wetlands. On a motion by Scott Zoltowski, seconded by Mickey McGonagle, it was voted 4-0-0 to accept the revised plan and to issue a letter to the applicant stating the plan of record has changed.

CONSERVATION FUND EXPENDITURE

Joe Grady said there has been discussion about removing the Temple Street dam. There is a grant available that requires matching funds; this request is for the matching funds to come from the Conservation Fund. The South River where this dam is located has been declared a priority by the State. This project is a secondary study about the

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hydraulics of this proposed dam removal, including the potential impacts on wells. The study will cost \$25,000 with \$10,000 coming as a grant from the Mass. Environmental Trust, \$10,000 coming from Mass Wildlife, and the Town required to offer a \$5,000 match. The funds will only be spent if the grant is received.

On a motion by Corey Wisneski, seconded by Robb D'Ambruoso, it was voted 4-0-0 to expend \$5,000 from the Conservation Fund as a match for the hydraulics study at the Temple Street Dam.

DEEDS FOR SIGNATURE

There are two documents related to the Town Meeting purchase of the Delano property that require signatures of the Conservation Commission. The Commission has previously voted to acquire this property so no votes are required.

IMPORTANT DATES

Monday, April 24, 2017: Meeting with BOS about Animal Control concerns

The Animal Control officer is concerned with the proliferation of both dog excrement and improperly discarded Mutt Mitt disposal bags at locations in Town, including the East Street Bog area which is under the control of the Conservation Commission. Additional signage or possibly increasing penalties could be considered by the Commission.

Tuesday, April 25, 2017: Next Conservation Commission meeting

Wednesday, April 26, 2017: BOS meeting about Battelle

This meeting may be cancelled or postponed; the Commission will be updated about this.

Adjournment: On a motion by Robb D'Ambruoso, seconded by Mickey McGonagle, it was voted 4-0-0 to adjourn the meeting at 8:05 p.m.

MATERIALS REVIEWED AT THE MEETING

NOI applications for SE18-1758; SE18-1759; SE18-1760; SE18-1761

Draft minutes of February 28, 2017 (regular session and executive session)

Requested revisions to plans: SE18-1755

Request for waiver of fees: SE18-1762