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TOWN CLERK

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Town of Duxbury Conservation Commission DUXBURY, MASS.

Minutes of May 9, 2017

The Conservation Commission met on Tuesday, May 9, 2017 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski; Sam Butcher; Robb D'Ambruoso; Mickey McGonagle; Holly Morris; Scott Zoltowski

Members Absent: Tom Gill

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

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

PUBLIC HEARING; MILLBROOK MARKETPLACE LLC; 277-285 ST. GEORGE ST.; THREE BUILDINGS WITH GRADING, UTILITIES, PARKING, DRAINAGE SE18-1765

Bo Boynton of Duxbury Construction presented the project, representing Michael Juliano. Bob Crowell, PE was also in attendance. Mr. Boynton explained this is a pre-existing commercial site, with Phase I improvements almost complete. Phase II is to add some new buildings. There is currently no treatment of storm water, and water from St. George St. sheds onto this property. The new asphalt will be pervious asphalt. A drainage system is proposed for the project area and the drainage from St. George St.; as of now the water is untreated and there is a single point discharge into the wetlands. Detention basins will help improve the quality of the discharge. There will be subsurface drainage for the buildings. There will be 2 septic systems; one that will be reconstructed and serve the existing buildings and one for the new buildings.

Joe Grady explained that the Planning Board, ZBA, and Conservation Commission hired one consultant to review the project, Pat Brennan from Amory Engineering. This project meets the rules and regulations of the Commission. Pat primarily reviewed the drainage calculations and noted 14 items of concern in a letter and most of those have been addressed by the applicant's consultant. Joe Grady reported that Pat Brennan is satisfied with the drainage calculations and drainage plan.

Joe Grady said there has been no treatment of the stormwater runoff from this site and off the road and he is happy to see treatment proposed. Poor quality fill will be removed and the swales revegetated. Bo Boynton explained that they will use ponds to help remove suspended solids and the basins will be drained and cleaned under an O&M plan. Plans in the basins will be used for further treatment.

Corey Wisneski asked about the O&M plan; Bo Boynton said it requires cleaning of the basins on a yearly basis. Scott Zoltowski asked how the cleaning will occur; Mr. Boynton said the leaves and debris will be removed and the basin cleared of silt. Sam Butcher asked when the maintenance will be done and Bo Boynton said that MASS DEP requires a schedule to be submitted. Sam Butcher asked if there will be a schedule for cleanup of the impervious pavement and Bo Boynton said it will be vacuumed two times each year.

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The drainage to the basins is 60% from offsite, 40% onsite, and the building drainage goes directly into the ground. Sam Butcher asked if there is access to the back side of the property and Mike Juliano said for emergency egress only, there will be no vehicular access.

Lori Hall of 175 Abrams Hill Road asked how the basins under the pervious pavement will be cleaned. Mr. Boynton replied that the roof water, that is not contaminated, will go directly into the basins under the pavement and these basins don't need to be cleaned. She further asked if there had been a perc test at the site and Bo Boynton said there was and there is 2' separation over the groundwater.

Carol Smith of 415 North Street asked where the clean water from the buildings go and Bo Boynton said it goes to subsurface chambers, then to the groundwater and then to the wetlands.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0-0 to write Orders of Conditions for SE18-1765, 277-285 St. George St.

**PUBLIC HEARING; KIRBY; 143 BAY ROAD; GARAGE AND DRIVEWAY
SE18-1766**

Joe Webby presented revised plans for this project. This project is a remodeling of a house with an added garage. Changes to the plans following consultation with Joe Grady include changes to the garage foundation and recalculating coverage. The existing coverage is 21.5% and the original project proposed 20.4%. Joe Webby remeasured and found the following changes from the plans submitted with the NOI: the entry over the door is larger, the deck is smaller, the building is within the existing footprint, the porch on the side was removed, and the chimney was removed, and the deck on the side is changed resulting in 20.1% coverage on the revised plan.

Joe Grady said this was a difficult project to review. He went to do a site visit and found the foundation for the garage was in the ground before any permits or Orders of Conditions were issued. An entrance walkway had changed. The fees for this project have been doubled because the work started without Orders from the Commission, the applicant has been notified but no additional fees have been received.

Scott Zoltowski asked why the work was started without a permit. Peter Stames of Archia Homes said he applied for a permit and the Building Department informed him he could start. Joe Grady reiterated that the work began without a valid permit.

Joe Grady asked for clarification on how the revised plan distributed at this meeting has changed from the plan submitted with the NOI. Joe Webby said the driveway was moved so it is 25' from the wetlands. The entryway above the door to the house is 16 square feet larger; the east side side of the deck is 18 square feet larger; the second floor deck increases 12 square feet, but the first floor deck was decreased 48 square feet and the porch and chimney on the east side were removed which is a 70 square feet reduction; together this totals a 72 square foot reduction in coverage. The existing coverage was 21.5%, the NOI plan proposed 20.4%, now the coverage for the revised plan is 20.1%. Sam Butcher cautioned about being so close to the existing coverage with the proposed coverage; any modifications during construction may result in an unacceptable increase in coverage.

Joe Grady said that with the relocation of the driveway, the project meets the Commission's rules and regulations. Scott Zoltowski said he is concerned with approving a project based on a revised plan delivered to the Commission on the night of the hearing. Robb D'Ambruoso agreed. Sam Butcher concurred he does not like to receive plans on the fly but feels the revisions are

minor enough that it is OK to accept them during the hearing. Scott Zoltowski wants everyone to play by the 'same rules'; Robb D'Ambruoso added it is not a good use of the public's time to review the plans during the meeting because the Commission did not have them ahead of the meeting.

On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 6-0-0 to write Orders of Conditions for SE18-1766, 143 Bay Road.

PUBLIC MEETING; BAYSIDE MARINE; 433 WASHINGTON STREET; REPAIR RIPRAP WALL

Jackson Kent of Bayside Marine described the project. There is an old rubble wall and the footing stones have washed away and stones are sliding out resulting in the wall being at an increased angle and losing height which is leading to erosion at the property. The repair would be to remove the wall, reset the foot stones, and rebuild the rubble wall.

Joe Grady said the wall will be taken down and replaced in the same location with the same grade. Corey Wisneski asked if the wall will be rebuilt from the land side and on the same footprint and Mr. Kent answered yes to both questions.

On a motion by Sam Butcher, seconded by Corey Wisneski, the Commission voted a Negative Determination such that no Notice of Intent is required for the proposed repair work to the riprap wall at 433 Washington Street by a vote of 6-0-0.

PUBLIC HEARING; BALDWIN; LOT #4 KEENE STREET; SINGLE FAMILY HOME SE18-1767

Rick Grady representing John Baldwin described the project which is a single family home. The wetlands were delineated by Brad Holmes. The house elevation is 48' and is FEMA Zone A but Rick Grady said the lot is an 'inadvertent inclusion'; the street is 34' so this lot is 4' over North Street and the house is 10' above North Street. They have submitted a Letter of Map Amendment (LOMA) to FEMA and believe the floodzone should be about elevation 37. All of the proposed work is above elevation 37.

The septic system is more than 150' from the wetland areas and there will be little change in grade at the rear of the lot. There will be some fill used and a retaining wall in the one corner. It was submitted to Natural Heritage and modified.

Corey Wisneski asked about the coverage calculations in the buffer zone; she noted the patio is included in the coverage calculations but it is not in the buffer zone. Rick Grady said all impervious cover was included for flood zone calculations so the buffer zone coverage for Conservation purposes will be less; he took a conservative approach. Joe Grady walked the wetlands lines and agrees they are accurately flagged and believes the project meets the Commission's rules and regulations.

Holly Morris asked about the distance between the well and the septic system of 150'; Rick Grady said the setback measurement on the plan is to the leaching area, not the septic tank which is more than 150' away from the well. Holly Morris asked about the height of the leaching area; Rick Grady said at the low end the grade will be raised 2 feet.

Dan Hall of Abrams Hill Road asked about impacts on Crossroads for Kids and was told this property is far away from that land. Dr. Carol Smith of North Street raised a number of concerns

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including (1) the APOD line and concerns will contaminants to drinking water; (2) stormwater drainage issues – she wants the Commission to consider the whole area of land to be developed and not just each individual house being built and is concerned with drainage impacts of this development; and (3) endangered species.

Corey Wisneski said a letter from Natural Heritage about endangered species is pending. Rick Grady said 50' setbacks to wetlands are being maintained and that Mr. Baldwin is being held by neighbors to different standards than they are. Joe Grady said he conferred with Mass Wildlife and they are aware of the project and satisfied with the project and a letter will be sent shortly stating that. Joe Grady further said that this area has tight soils and water does not drain well so flows across it causing stormwater runoff. However the water from this parcel will end up going downhill and not onto the neighbor's property.

Debra Frangesh of 399 North Street referred to a letter from Attorney Dennis Murphy submitted to the Commission today. They are questioning the segmentation of the project and believe the entire development should be considered because dividing the original 12.5 acres into smaller projects circumvents stormwater management requirements. Joe Grady said there are currently 2 lots before the Commission and that is all that the Commission has jurisdiction over. Sam Butcher cautioned over the Commission expanding its jurisdiction beyond what they are allowed to consider.

Kiim Abplanalp of Myrtle Street expressed concerns over the narrow presentation of the requests, feeling that portions of the development are being submitted to prevent consideration of the entire project. Corey Wisneski said she understands his concerns but the Commission can only consider the project as presented and determine if it meets the rules and regulations. This project does meet them.

Robb D'Ambruso commented that the Public Hearing for the project is not a forum for airing general grievances; the Commission can only evaluate this plan in terms of the Wetlands Protection Act and the Town Bylaw. Mickey McGonagle said that although he understands the concerns of the neighbors, the remedy is not through the Conservation Commission; this project meets the rules and regulations.

Sherri Hussar of 404 North Street said the gully next to the street fills to street level during rainstorms and she is concerned this project will make the water level even higher; she is concerned about drainage. Sam Butcher suggested she bring these concerns to the DPW.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 6-0-0 to write Orders of Conditions for project SE18-1767, Lot #4 Keene Street.

ADMINISTRATIVE MATTERS

MINUTES: On a motion by Scott Zoltowski, seconded by Corey Wisneski, it was voted 5-0-1 to approve the minutes of April 11, 2017.

LETTERS REGARDING ST. GEORGE ST. RDA: The Commissioners have been provided copies of a letter to them from Sherm Hoyt and a letter sent to the Kissanes from Joe Grady on behalf of the Commission (dated 4/26/17) regarding the float for which a Determination was issued at 0 St. George St. Sam Butcher and Corey Wisneski met with Sherm Hoyt at the site to review his concerns which are the lack of skids and

rubbing of the anchor chains on the marsh. It is hoped the situation can be remedied by the addition of skids to the float and by adjusting the location of the anchor chains.

DISCUSSION: Review process

Mickey McGonagle said that at the last meeting, on a 4-3 vote the Commission approved a project at 0 Lake Street for which the presenter did not own the property. The applicajnt said someone else told them to get approval at the Commission before taking ownership of the property. Mickey McGonagle feels it would be preferable for boards to notify each other of these types of recommendations rather than have an applicant report what a board told them. A second issue he feels warrants attention is to establish a sequential order of going to boards for a project, for example Conservation, then Planning, then Board of Health. He feels it would be helpful to establish procedural ground rules. This will be further discussed at future meetings.

Adjournment: On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 6-0-0 to adjourn the meeting at 9:00 p.m.

MATERIALS REVIEWED AT THE MEETING

NOI application materials for SE18-1765, SE18-1766; SE18-1767

RDA application materials for 433 Washington Street

Draft minutes of April 11, 2017

Letters regarding 0 St. George Street RDA