



# Town of Duxbury Conservation Commission

Approved 1/26/2021

TOWN CLERK

2021 FEB -8 AM 11:21

DUXBURY, MASS.

## Minutes of January 5, 2021

The Duxbury Conservation Commission met on Tuesday, January 5, 2021 at 7:00 p.m via remote Zoom meeting.

**Members Present:** Corey Wisneski, Chair; Robb D'Ambruoso, Vice-chair; Sam Butcher; Tom Gill; Holly Morris; Mickey McGonagle; Scott Zoltowski

**Members Absent:** none

**Staff Present:** Joe Grady; Conservation Administrator; Catie Colliton, Administrative Assistant

The meeting was called to order at 7:00 p.m.

Corey Wisneski read the following: Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so via the ZOOM meeting information that has been provided. No in-person attendance of members of the public will be permitted. Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities.

Corey Wisneski announced that the previously scheduled 7:00 p.m. Executive Session was cancelled and rescheduled to 7:05 p.m. on January 26, 2021.

### **PUBLIC HEARING; LEONARD; 69 OCEAN ROAD NORTH; ELEVATE HOUSE ON PILE FOUNDATION SE-18-1940**

Bob Crawford, EET Engineering, presented the project for owner Taryn Leonard. The project consists of raising the existing house 5 feet on 18-inch concrete piers in Land Subject to Coastal Storm Flowage (LSCSF). Site is also in an Active Overwash (AO) zone. Asked if there would be any changes in impervious lot coverage, Mr. Crawford stated the lot coverage would remain the same with a gravel driveway on the left and an asphalt driveway on the right. Abutter Tim Spellman spoke in favor of the project.

Tom Gill made a motion, seconded by Sam Butcher, to write Orders of Conditions for SE18-1940 including a condition that the impervious lot coverage remain the same as the pre-existing conditions. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion approved 7-0.

**CONTINUED PUBLIC HEARING; OLIVA; 234 GURNET ROAD; DECK  
SE18-1934**

Applicant requested a continuation of the Public Hearing. A motion was made by Holly Morris, seconded by Scott Zoltowski, to continue the Public Hearing for SE18-1934 to January 26, 2021 at 7:20 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion approved 7-0.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC: 373 KING CAESAR  
ROAD; SINGLE FAMILY HOME AND POOL  
SE18-1930**

Freeman Boynton, Duxbury Construction LLC, reviewed the project which includes a previously permitted larger home. Proposed home is now smaller with a pool and patio. The original home has been demolished. The Coastal Bank is at the original delineated location and the full foundation is proposed to be within the 50 foot setback of the Coastal Bank. Discussion followed on the dimensions of the second-floor overhang and how the Coastal Bank will be stabilized. Mr. Boynton stated the bank will be stabilized with tall fescue. Joe Grady stated the house location and overhang must be constructed exactly according to the Plan of Record. Total impervious surface of the lot has not been calculated. Joe Grady stated the project meets the regulations for coverage near a stabilized Coast Bank. He read the pertinent regulation.

Sam Butcher made a motion, seconded by Holly Morris, to write Orders of Conditions for SE18-1930. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**CONTINUED PUBLIC HEARING; HUSK; 160 MARSHALL STREET; COASTAL BANK  
REVTMENT AND PLANTINGS  
SE18-1933**

Applicant requested a continuance of the Public Hearing. Sam Butcher made a motion, seconded by Scott Zoltowski, to continue the public Hearing to February 9, 2021 at 7:10 p.m. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 230 MARSHALL  
STREET; SEAWALL  
SE18-1891**

Freeman Boynton, Duxbury Construction LLC, briefly reviewed the ongoing debate of whether the resource area at this site is a Coastal Bank or a Coastal Dune. Stan Humphreys, consultant to owner James Currier, presented evidence supporting his conclusion the resource area is a Coastal Bank. Lenore White, consultant to the Conservation Commission, presented evidence supporting her conclusion the resource area is a Coastal Dune. A 1971 report by Les Garvin was included in the supporting materials. Lengthy discussion followed on the issue of bank vs dune. Several Commissioners stated protection of the pond was their foremost concern. Mr. Boynton discussed past failed attempts to protect the pond.

A motion was made by Sam Butcher, seconded by Tom Gill, to write an Order of Conditions for SE18-1891. The motion was denied on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher,

yes; Tom Gill, yes; Holly Morris, nay; Mickey McGonagle, nay; Scott Zoltowski, nay; Corey Wisneski, nay. Motion denied 4 to 3. Joe Grady will issue a Denial for SE18-1891.

**CONTINUED PUBLIC HEARING; ROMANO; 365 KING CAESAR ROAD; PIER  
SE18-1906**

Applicant has requested a continuance to January 26, 2021. Freeman Boynton, Duxbury Construction LLC, stated a revised plan is being produced showing the Shellfish Habitat area which will likely cause the pier to be shortened 50 feet.

Tom Gill made a motion, seconded by Sam Butcher, to continue the Public Hearing to January 26, 2021 at 7:35 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC MEETING; TOWN OF DUXBURY CONSERVATION COMMISSION; 0 EAST  
STREET; TEMPORARY GREENHOUSES ON A CRANBERRY BOG**

Joe Grady presented the project to allow installation, under a license agreement, of three temporary 30 x 96 foot hoop houses on town owned land at 0 East Street. Farmer Scott Alquist and Jeff Chandler, Chair of the Duxbury Agriculture Commission, were present. Discussion followed on precedent setting; long term impacts to the former cranberry bog by installing impervious materials on the bog; the sources of electricity (portable generator) and water (dug well) and the 5-year license for use of the land.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Negative Determination. Motion passed on a roll call vote: Mickey McGonagle, yes; Sam Butcher, yes; Holly Morris, yes; Robb D'Ambruoso, no; Scott Zoltowski, yes; Tom Gill, yes; Corey Wisneski, yes. Motion carried 6 to 1.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 267 KING CAESAR ROAD; RAISE  
EXISTING SEAWALL  
SE18-1943**

Freeman Boynton, Duxbury Construction LLC, presented the project to raise the existing seawall 2 feet by using the same materials as the existing seawall. Present wall was permitted 7 or 8 years ago. There will be no changes in grade with abutments. There were no questions from the Commission.

Sam Butcher made a motion, seconded by Scott Zoltowski to write Orders of Condition for SE18-1943. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 0 HOWLANDS LANDING; BOAT  
RAMP**

Freeman Boynton, Duxbury Construction LLC, presented plans for a project to repair the existing public boat ramp at Howlands Landing using private funds. Mr. Boynton stated there will be no expansion of the current boat ramp. The end of the ramp where it enters Kingston Bay will be removed, the base will be slightly crowned to control stormwater runoff and a base coat and

**Certificates of Compliance:**

**SE18-1799; 163 Marshall Street:** Vote postponed.

**SE18-1884; 54 Bay Pond Road:** Vote postponed.

**SE18-1831; 54 Bay Pond Road:** Vote postponed.

**SE18-1417; 31, 45, 57 Seabury Point Road:** Joe Grady inspected the project and found it to be in compliance with the Order of Conditions. He recommended the Commission issue a Certificate of Compliance. Sam Butcher made a motion, seconded by Holly Morris, to issue a Certificate of Compliance for SE18-1417. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**SE18-1519; 34 Sunset Road:** Joe Grady inspected the project and found it to be in compliance with the Order of Conditions. He recommended the Commission issue a Certificate of Compliance. Tom Gill made a motion, seconded by Sam Butcher to issue a Certificate of Compliance for SE18-1519. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**SE18-1880; 373 King Caesar Road:** Vote postponed.

**SE18-1560; 184 Marshall Street:** Vote postponed.

**Conservation Restriction #46 Round Pond & Lapham Woods:** Holly Morris made a motion, seconded by Scott Zoltowski, to approve and sign Duxbury Conservation Restriction #46 on 88 acres of land owned by the Duxbury Rural & Historical Society. Sam Butcher recused himself from the vote. The motion passed on a roll call vote: Holly Morris, yes; Scott Zoltowski, yes; Mickey McGonagle, yes; Tom Gill, yes; Robb D'Ambruoso, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**Precedents & Non-Compliance with Original Plans:** Mickey McGonagle suggested a subcommittee be formed to work on a new regulation regarding non-compliance with original plans and precedent setting. Holly Morris and Scott Zoltowski volunteered to serve on the subcommittee. Mickey McGonagle will set up the meeting.

**Next meeting:** The next meeting of the Conservation Commission will be Tuesday, January 26, 2021.

**Adjournment:** A motion to adjourn the meeting at 9:15 p.m. passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

CONSERVATION MINUTES

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**MATERIALS REVIEWED AT THE MEETING**

NOI Materials for SE18-1891; SE18-1906; SE18-1930; SE18-1933; SE18-1934; SE18-1940; SE18-1943

Request for Determination of Applicability for 0 Howland's Landing, 0 East Street, and 72 Goose Point Lane

Draft minutes of November 17, 2020; December 15, 2020