



Approved March 2, 2021

TOWN CLERK

Town of Duxbury  
Conservation Commission  
2021 JUN 16 AM 9:43  
DUXBURY, MASS.

**Minutes of January 26, 2021**

The Duxbury Conservation Commission met on Tuesday, January 26, 2021 at 7:00 p.m. via remote Zoom meeting.

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

**Members Absent:** Tom Gill

**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.

A member roll call vote was taken: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes.

**EXECUTIVE SESSION**

Corey Wisneski moved that the Commission go into Executive Session.

Corey Wisneski read the following statement: "For the purpose of discussing strategy with respect to pending litigation since an open meeting may have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session. As Chair, I declare that the necessity for an Executive Session is due to the confidential nature of discussions pertaining to litigation."

The motion was seconded by Holly Morris. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6 to 0.

Open session reconvened at 7:35 pm.

**PUBLIC HEARING; WEBBY ENGINEERING; 142 ENTERPRISE STREET; GARAGE SE18-1947**

Joe Webby, Webby Engineering, presented the project for construction of a garage within the Buffer Zone of a cranberry bog. The structure will be 81 feet from the cranberry bog. A siltation barrier will be installed at the wetland edge prior to construction. A letter in favor of the project was received from an abutter. Joe Grady stated the project met the Duxbury Wetland Bylaw Rules and Regulations. He recommended the Commission write Orders of Conditions.

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Holly Morris made a motion, seconded by Sam Butcher, to write Orders of Conditions for SE18-1947. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**CONTINUED PUBLIC HEARING; STENBECK & TAYLOR; 0 MAYFLOWER STREET;  
SINGLE FAMILY HOME  
SE18-1911**

Applicant requested a continuation of the Public Hearing to March 23, 2021.

A motion was made by Sam Butcher, seconded by Scott Zoltowski, to continue the Public Hearing for SE18-1911 to March 23, 2021 at 7:15 pm. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**CONTINUED PUBLIC HEARING; GRADY CONSULTING/HAMORI; 46 WINSOR STREET;  
WOODEN BULKHEAD REPLACEMENT  
SE18-1918**

Applicant requested a continuation of the Public Hearing.

Sam Butcher made a motion, seconded by Scott Zoltowski, to continue the Public Hearing for SE18-1918 to March 2, 2021 at 7:10 p.m. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**CONTINUED PUBLIC HEARING; SEACOAST ENGINEERING/LARKIN/TTE; 10 PINE POINT  
PLACE; SINGLE FAMILY HOME & GARAGE  
SE18-1917**

Scott Zoltowski recused himself from the discussion. Applicant has requested the application be withdrawn.

Holly Morris made a motion, seconded by Sam Butcher to accept the application withdrawal. Motion passed on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes. Motion carried 5 to 0.

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

Attorney Adam Brodsky, representing owners Leigh and Julie Oliva, summarized the project and reviewed recent communication. John Zimmer, South River Environmental, and Richard Burchill, Minot Building, were also present representing the owners. Lenore White, Wetland Strategies, and Amy Kwesell, Town Counsel from KP Law, were present and representing the Conservation Commission. The applicant's team reviewed the shade study and stated lack of project impacts to the Barrier Beach and Land Subject to Coastal Storm Flowage. Lenore White reviewed prior written communication and stated the primary concern was the decks, shown on the Plan of Record, do not meet the Duxbury Wetland Bylaw Performance Standard of no structure within 35 feet of a saltmarsh. Adam Brodsky said although there was no alteration to the Resource Area,

he was offering off-site mitigation. Joe Grady read Duxbury Wetland Bylaw Section 23.9 which states there shall be no structure within 35 feet of a Resource Area, measured from the Resource Area to the structure. Richard Burchill reviewed his meeting with Duxbury Building Department personnel. Discussion followed on Resource Area and Buffer Zone jurisdiction. Adam Brodsky stated the role of the Buffer Zone is to protect the Resource Area. Lenore White stated under the Duxbury Wetland Bylaw the Buffer Zone is also a protected Resource Area. Town Counsel, Amy Kwesell, agreed a Resource Area and the adjoining land are a Resource Area under the Duxbury Wetland Bylaw. Joe Grady added that projects in the A Zone must take into consideration a 2.8-foot projected sea level rise (Section 20, #4 of the Duxbury Wetland Bylaw Performance Standards).

Sam Butcher made a Motion to close the Public Hearing for SE18-1934, seconded by Scott Zoltowski. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Holly Morris made a motion, seconded by Scott Zoltowski to deny the project for SE18-1934 based on Section 23.9 of the Duxbury Wetland Bylaw. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**CONTINUED PUBLIC HEARING; GRADY CONSULTING/OBEY; 65 OCEAN ROAD N; RAZE & REBUILD SFH ON PILE FOUNDATION**

**SE18-1942**

Paul Seaberg, Grady Consulting, presented a 11/16/20 revised plan with a reduced house footprint. Joe Grady stated there is now no structural expansion in the V Zone and no changes in coverage or grades.

Sam Butcher made a motion, seconded by Holly Morris, to issue standard Orders of Conditions for this type of project. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION; 184 MARSHALL STREET; PATIO**

**SE18-1910**

Robb D'Ambruoso recused himself from the discussion. Freeman Boynton, Duxbury Construction, LLC, reviewed the recent site visit with Joe Grady and Sam Butcher. The site plan has been revised based on the site visit. Joe Grady stated the top of the Coastal Bank was poorly delineated on the original plan and the preexisting conditions are now properly depicted on the new plan. Corey Wisneski questioned a flat area on the plan adjacent to the neighboring property. Discussion followed on the location of the top of the Coastal Bank with neighboring properties. Joe Grady stated the top of the Coastal Bank is now properly delineated but a portion of the patio is still within 25 feet of the Coastal Bank. Freeman Boynton read from the Duxbury Wetland Rules and Regulations that the Commission "may allow projects within 25 feet of the Resource Area."

Sam Butcher made a motion, seconded by Scott Zoltowski, to accept the revised Coastal Bank delineation. Motion passed unanimously on a roll call vote: Mickey McGonagle, yes; Sam Butcher, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 to 0.

Sam Butcher made a motion, seconded by Holly Morris, to write Orders of Conditions for SE18-1910. Motion passed unanimously on a roll call vote: Mickey McGonagle, yes; Sam Butcher, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 to 0.

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

Paul Brogna, Seacoast Engineering Company, presented the updated project. The plan was revised on 1/11/21 and the pier shortened by 50 feet based on shellfish habitat delineation. A site visit was conducted on 1/4/21 with Joe Grady; Catie Colliton; Lenore White, Wetland Strategies, consultant to the Commission; Brad Holmes, Environmental Consulting & Restoration; and Paul Brogna. Brad Holmes delineated the quantity and quality of shellfish within the pier and float footprint. He determined the new pier will not affect the habitat if the following conditions are met: any shellfish at the pile locations be transplanted; during the off season the ramp and float are stored outside the Resource Area and Buffer Zone; and skids are used to elevate the float 2.5 feet above the tidal flat surface during low tide. Joe Grady stated he was satisfied with the changes. Lenore White reviewed the project for the Commission and stated she is satisfied with the modifications. The applicant is also filing for a federal Chapter 91 license.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing for SE18-1906. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Sam Butcher made a motion, seconded by Holly Morris, to write Orders of Conditions for SE18-1906. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**PUBLIC HEARING; GRADY CONSULTING; 90 MARSHALL STREET; RAZE & REBUILD SFH SE18-1944**

Applicant requested a continuation of the Public Hearing.

Holly Morris made a motion, seconded by Sam Butcher, to continue the Public Hearing for SE18-1944 until February 9, 2021 at 7:15 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**PUBLIC HEARING; STENBECK & TAYLOR; 224 GURNET ROAD; SFH SE18-1945**

Applicant requested a continuation of the Public Hearing. Abutters were not properly notified.

Sam Butcher made a motion, seconded by Holly Morris, to continue the Public Hearing form SE18-1945 until February 9, 2021 at 7:40 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**ENFORCEMENT ORDER; MAHMUD; 221 STANDISH STREET; FILLING BVW**

The Conservation Commission issued an Enforcement Order for Bordering Vegetated Wetland filling at 221 Standish Street. Two years ago, an Enforcement Order for BVW filling was issued to the same homeowner at the same site. Joe Grady suggested Lenore White, Wetland Strategies, be hired to review and oversee the wetland restoration as outlined in her 1/22/21 proposal.

Sam Butcher made a motion, seconded by Holly Morris, to hire Lenore White to review and oversee the wetland restoration at 221 Standish Street. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**ADMINISTRATIVE MATTERS**

**Approval of Minutes:**

**January 5, 2021 Regular Session:** January 5, 2021 minutes were approved on a motion by Sam Butcher, seconded by Robb D'Ambruoso. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**Certificates of Compliance:**

**SE18-1455; 10 Pine Point Place:** Joe Grady stated the permitted work was never done. He recommended extinguishing the file by issuing a Certificate of Compliance.

Scott Zoltowski made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1455. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**SE18-1615; 2 Pheasant Hill Lane:** Joe Grady stated he has inspected the property and finds the project to be in compliance with the Orders of Conditions. He recommended issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1615. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**SE18-1879; 114 Alden Street:** Joe Grady stated he has inspected the property and finds the project to be in compliance with the Orders of Conditions. He recommended issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1879. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**SE18-1685; 178 Marshall Street:** Joe Grady stated he has inspected the property and finds the project to be in compliance with the Orders of Conditions. He recommended issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1685. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**SE18-1799; 163 Marshall Street:** Postponed to a later date.

**SE18-1884; 54 Bay Pond Road:** Joe Grady stated he has inspected the property and finds the project to be in compliance with the Orders of Conditions. He recommended issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Mickey McGonagle to issue a Certificate of Compliance for SE18-1884. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**SE18-1560; 184 Marshall Street:** Postponed to a later date.

#### **Orders of Conditions Extension:**

**SE18-1800; 65 Samoset Road:** Joe Grady recommended extending SE18-1800 for 3 years.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to extend the Order of Conditions for SE18-1800 for three years. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**SE18-1804; 216 Crescent Street:** Joe Grady recommended extending the Order of Conditions for SE18-1804 for 3 years.

Corey Wisneski made a motion, seconded by Mickey McGonagle to extend the Order of Conditions for SE18-1804 for three years. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**Submittal Procedures Update:** Joe Grady told Commissioners that as a result of project checks being posted online along with the NOIs, applicants throughout Massachusetts are experiencing unauthorized activity on their bank accounts. The

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Duxbury Conservation Office is now blacking out any personal banking information when posting conservation submittals online.

Corey Wisneski made a motion, seconded by Mickey McGonagle to revise submittal procedures to include not posting personal banking information online. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Robb D'Ambruoso suggested the Commission employ electronic document signing during Covid-19 meeting restrictions. All agreed this would be helpful.

**Next meeting:** The next meeting of the Conservation Commission will be Tuesday, February 9, 2021.

**Adjournment:** A motion to adjourn the meeting at 9:05 p.m. passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Scott Zoltowski, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Cory Wisneski, yes. Motion carried 6 to 0.

**MATERIALS REVIEWED AT THE MEETING**

NOI Materials for SE18-1910; SE18-1942; SE18-1911; SE18-1918; SE18-1917; SE18-1944; SE18-1945; SE18-1947; SE18-1934; SE18-1906  
Draft minutes of January 5, 2021