



Town of Duxbury Conservation Commission

Approved March 2, 2021

TOWN CLERK

2021 JUN 16 AM 9:14

DUXBURY, MASS.

Minutes of February 9, 2021

The Duxbury Conservation Commission met on Tuesday, February 9, 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; Tom Gill

Members Absent:

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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Tom Gill, yes.

DUXBURY BEACH RESERVATION; MCGLATHERY; 2021 PROJECTS SE18-1198

Joe Grady recused himself from the discussion. Brynna McGlathery presented the annual project list as required by Pages, 58 and 59 of the DBR Order of Conditions, SE18-1198. There will be 26 projects in 2021, 24 of which are carry overs from 2020. Of the 24, 20 are normal maintenance projects and four are "heads up," those that are not yet fully flushed out. The four will be brought back to the Commission when details have been determined. Two new projects are scheduled for 2021: Knotweed removal at High Pines and Duxbury Beach Park dune and beach restoration, which is part of the larger beach restoration project in Marshfield and Duxbury. In answer to a question on the Knotweed removal, Ms. McGlathery stated there are several small areas totaling 60 square feet at High Pines where a spot herbicide will be used. Ms. Wisneski thanked Ms. McGlathery for the DBR annual update.

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

Public Hearing materials have not yet been received. Applicant has requested a Public Hearing continuance. Public Hearing will be continued until March 23, 2021 at 7:10 p.m.

Holly Morris made a motion, seconded by Sam Butcher, to continue the Public Hearing for SE18-1933 to March 23, 2021 at 7:10 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

**CONTINUED PUBLIC HEARING; REES/GRADY CONSULTING LLC; 90 MARSHALL STREET; RAZE & REBUILD SINGLE FAMILY HOME
SE18-1944**

Brendan Kling, Grady Consulting, presented the project to raze and rebuild a single-family home at 90 Marshall Street. A portion of the house and pool are within the 200-foot Riverfront Area and a corner of the house is within the 100-foot Buffer Zone of Eagles Nest Creek. A patio and driveway will be removed from the Buffer Zone, reducing the existing impervious coverage by 1000 square feet. Erosion control measures will be installed along the limit of work. In answer to a question about tree removal, Mr. Kling stated seven or eight trees will be removed, including along the saltmarsh edge. Discussion followed on the species of trees to be removed and their role in stabilizing the coastal bank. Mr. Kling stated the owner is willing to do a one-to-one tree replacement. Joe Grady commented on the excellent application, its level of detail and completeness. He recommended writing an Order of Conditions. Holly Morris suggested a Planting Plan be required.

Sam Butcher made a motion, seconded by Holly Morris, to write Orders of Conditions for SE18-1944, including requiring a tree replacement Planting Plan. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

*Robb D'Ambruoso arrived at 7:20 p.m.

**PUBLIC HEARING; ROBERTS/GRADY CONSULTING LLC; 917 KEENE STREET; DECK
SE18-1946**

Corey Wisneski read the SE18-1946 Public Hearing Legal Notice. Grady Consulting has asked for a Public Hearing continuance. The Public Hearing will be continued until March 2, 2021 at 7:15 p.m.

Sam Butcher made a motion, seconded by Tom Gill, to continue the Public Hearing for SE18-1946 until March 2, 2021 at 7:15 p.m. Motion passed 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 HEARING; DUFFY/DUXBURY CONSTRUCTION LLC; 72 PLYMOUTH AVENUE;
CONCRETE FOUNDATION, STONE WALL AND STEPS, CONVERT A PORCH TO A
KITCHEN, GRADING, LANDSCAPING
SE18-1948**

Corey Wisneski read the SE18-1948 Public Hearing Legal Notice. Freeman Boynton, Duxbury Construction, LLC, presented the project which consists of raising an existing oceanfront home, placing a concrete foundation under a portion of the house currently without a foundation, building steps and a stone retaining wall, converting an existing porch to a kitchen and finish grading and landscaping. Mr. Boynton hired Stan Humphreys to determine the onsite soils. Following test pit inspections, Mr. Humphreys reported the site, at an elevation of 25 feet, was a Kame Deposit suitable for a concrete foundation. Properties on both sides of the site have concrete foundations. Plantings will include American Beach Grass and salt tolerant plantings. Joe Grady stated the site is not a Coastal Dune or a Barrier Beach and foundations are allowed on Kame Deposits. The site is within the Buffer Zone of a Coastal Dune and Coastal Bank. There will be no change in lot coverage, but Mr. Grady questioned the retaining wall. Discussion

followed on the Coastal Bank location. Mr. Boynton stated there will be no grading between the retaining wall and the top of the Coastal Bank.

Tom Gill made a motion, seconded by Holly Morris, to write an Order of Conditions for SE18-1948. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7-0.

PUBLIC MEETING; CASO/DUXBURY CONSTRUCTION LLC; 44 RIVER LANE; IRRIGATION WELL

Corey Wisneski read the Public Meeting Legal Notice. On a Request for Determination, Freeman Boynton, Duxbury Construction, LLC, presented the project to dig an irrigation well within 100 feet of a Coastal Bank. Discussion followed on salt water intrusion and potential contamination from the septic system. The Board of Health is requiring Conservation Commission approval before proceeding with their application. The applicant is asking for a 79-foot Board of Health variance for an irrigation only well. No faucets will be installed. Upon request, Commissioner Sam Butcher, described the hydrogeology of a freshwater "lens" and the natural controls that could prevent saltwater and effluent intrusion.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Negative Determination for the Caso's irrigation well at 44 River Lane. 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; LONG POINT MARINE/SEACOAST ENGINEERING; 553 WASHINGTON STREET; REPAVE DRIVEWAY, REPAIR TRAVEL LIFT

Paul Brogna, Seacoast Engineering, presented the project to remove and replace the eastern and northern side of an existing travel lift and remove and repave the existing paved driveway adjacent to the travel lift. New travel lift piles will be installed in the existing pile locations and there will be no increase in the size to the current paved area. Joe Grady stated the project was a Repair and Replace project for a Water Dependent Facility and he recommended a Negative Determination.

Holly Morris made a motion, seconded by Sam Butcher, to issue a Negative Determination for Long Point Marine's repair and replacement of travel lift piles and repaving of a portion of the driveway. Motion passed unanimously on a roll call vote: Mickey McGonagle, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

CONTINUED PUBLIC HEARING; READ/STENBECK & TAYLOR; 224 GURNET ROAD; SINGLE FAMILY HOME SE18-1945

Joe Grady recommended the Commission retain the services of peer reviewer, Lenore White, Wetland Strategies, as stated in her February 2, 2021 proposal and continue the Public Hearing to March 23, 2021 at 7:20 p.m. Rick Servant, Stenbeck and Taylor, agreed to the continuance.

Sam Butcher made a motion, seconded by Scott Zoltowski, to accept Lenore White's proposal dated February 2, 2021. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb

D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

Sam Butcher made a motion, seconded by Holly Morris to continue the Public Hearing for SE18-1945 to March 23, 2021 at 7:20 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.

ADMINISTRATIVE MATTERS

Certificates of Compliance:

SE18-1829; Lot J #1 Dogwood Drive: Joe Grady reported he received an As-Built Plan, has inspected the site and he recommended issuing a Partial Certificate of Compliance which requires maintaining erosion control measures and stabilizing the site when weather permits.

Tom Gill made a motion, seconded by Scott Zoltowski to issue a Partial Certificate of Compliance for SE18-1829. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Tom Gill, yes; Corey Wisneski, yes. Motion carried 6-0.

SE18-1896; 59 Standish Street: Joe Grady reported he received an As-Built Plan, has inspected the site and he recommended issuing a Certificate of Compliance for SE18-1896.

Tom Gill made a motion, seconded by Sam Butcher to issue a Certificate of Compliance for SE18-1896. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Tom Gill, yes; Corey Wisneski, yes. Motion carried 6-0.

SE18-1747; 31 Hornbeam Road: Joe Grady reported he received an As-Built Plan, has inspected the site and he recommended issuing a Certificate of Compliance for SE18-1747.

Sam Butcher made a motion, seconded by Holly Morris to issue a Certificate of Compliance for SE18-1747. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Tom Gill, yes; Corey Wisneski, yes. Motion carried 6-0.

SE18-1836; 315 King Caesar Road: On a request from Seacoast Engineering, Joe Grady reported he received an As-Built Plan, inspected the site and he recommended issuing a Certificate of Compliance for SE18-1836.

Tom Gill made a motion, seconded by Holly Morris to issue a Certificate of Compliance for SE18-1836. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Tom Gill, yes; Corey Wisneski, yes. Motion carried 6-0.

SE18-1799; 163 Marshall Street: On a request from Duxbury Construction, Joe Grady reported he received an As-Built Plan and inspected the site. There is a slight increase in coverage, but it conforms with the Order of Conditions and he recommended issuing a Certificate of Compliance for SE18-1799.

Sam Butcher made a motion, seconded by Tom Gill to issue a Certificate of Compliance for SE18-1799. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Tom Gill, yes; Corey Wisneski, yes. Motion carried 6-0.

Precedents & Non-Compliance with Original Plans: Mickey McGonagle and Scott Zoltowski have worked on non-compliance and precedents setting issues. Mr. Zoltowski drafted a statement regarding Conservation Commission authority and process, which he read to the Commission. Discussion followed on the Commission's time spent on non-compliance, possible issuance of performance bonds, lack of authority for exemptions, possible educational component, adding additional contractors to the list of people who must state in writing they have read the Orders of Conditions, enforcement fines, and adding Mr. Zoltowski's statement as an Appendix to Duxbury Wetland Bylaw. Mr. McGonagle suggested the Commission act on this matter at the next meeting. Joe Grady stated to change the Bylaw requires advertising and holding a Public Hearing, to add to the Appendix requires a vote at a regularly scheduled meeting. The Commission agreed to incorporate the Statement as an Appendix to the Duxbury Wetland Bylaw and to do Clipper education, possibly an interview with Chair, Corey Wisneski.

Fee Schedule Proposal: Joe Grady presented an updated Fee Schedule which was last updated in 2013. The updated fees reflect the work load and changes in proposed projects. The Commission agreed to adopt the new Fee Schedule at the next Conservation Commission meeting. Sam Butcher requested input from two engineers who frequently present projects to the Commission. They felt there should be one fee structure for Staff-Only input and another for Commission input.

Next meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, March 2, 2021. Vice Chair, Robb D'Ambruoso will preside.

Adjournment: Sam Butcher made a motion, seconded by Tom Gill, to adjourn the meeting at 8:50 p.m. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Tom Gill, yes; Scott Zoltowski, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Cory Wisneski, yes. Motion carried 7 to 0.

MATERIALS REVIEWED AT THE MEETING:

NOI Materials for SE18-1933; SE18-1944; SE18-1946; SE18-1948; SE18-1945
RDA Materials: 44 River Lane; 553 Washington Street
Duxbury Beach Reservation 2021 Projects