



# Town of Duxbury Conservation Commission

## Minutes of March 10, 2020

The Duxbury Conservation Commission met on Tuesday, March 10, 2020 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Corey Wisneski, Chair; Sam Butcher; Tom Gill; Mickey McGonagle; Scott Zoltowski

**Members Absent:** Robb D'Ambruoso; Holly Morris

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

The meeting was called to order at 7:00 pm

### EXECUTIVE SESSION

Scott Zoltowski made the following motion: To go into Executive Session to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of this Commission; and to reconvene in open session at the conclusion of the Executive Session in accordance with Mass. General laws Chapter 30A, Section 21. The motion was seconded by Sam Butcher. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes.

**Regular Session resumed at 7:40 pm.**

### CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 246 MARSHALL STREET; SEAWALL SE18-1898

The quorum for this hearing is Sam Butcher, Tom Gill, Mickey McGonagle, and Scott Zoltowski

Freeman Boynton Jr. said that the Conservation Commission believed that there was a Coastal Dune at one end of the property, and Mr. Boynton agrees. They are proposing to replace the vertical portion of the wall and continue it behind the dune; this will result in some disturbance to the dune but they will re-establish the dune and do plantings. These changes are reflected on the most recent plan. Joe Grady asked how the dune will be protected during construction; Mr. Boynton said they can use fencing to minimize disturbance. Joe Grady asked if the native vegetation on the top of the bank will remain; Mr. Boynton said they plan to leave the mature trees but remove the lower vegetation and it will be replanted. Joe Grady asked that Mr. Boynton mark on a plan where the vegetation will be left undisturbed and that the trees that will remain be marked on site.

Sam Butcher suggested that the area on the plan marked 'Rosa Rugosa' should be surrounded with snow fence during the work, and Joe Grady should inspect the fence before the work begins.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 4-0 (quorum members only) to write Orders of Conditions for SE18-1898, 246 Marshall Street with conditions requiring the marking of trees to be saved before the work begins and a Limit of Work line being established around the area of Rosa Rugosa on the plan.

**PUBLIC HEARING; MARSHFIELD COUNTRY CLUB INC.; 0 ACORN STREET; BUILDING, SEPTIC SYSTEM, AND GRADING**

**SE18-1901**

Greg Morse of Morse Engineering described the project which is to construct a new building. The building is ~20' x 40' in size and is being constructed on an area that is now existing lawn. At its closest the building will be 67' from the BVW. There will be a new septic system installed outside of the 100' buffer zone. Joe Grady commented that the project meets the Commission's rules and regulations.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 5-0 to write Orders of Conditions for SE18-1901, 0 Acorn Street.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 63 ST. GEORGE STREET, RAISE HOUSE AND REGRADE**

**SE18-1900**

Freeman Boynton Jr. of Duxbury Construction LLC presented the project. This property has ongoing water problems in the basement. The basement is below the seasonal high ground water level, and this used to be a problem 2-3 months each year but now is a nonstop problem, with 6 sump pumps running to keep it dry. The project is to raise the house 2 feet, and then do grading and plantings. There will be no changes to the garage and no grade changes near the pool. Joe Grady said the project meets the Commission's Rules and regulations.

On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1900.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 195 KING CAESAR ROAD; SEAWALL**

**SE18-1899**

The quorum for this hearing is Corey Wisneski, Sam Butcher, Scott Zoltowski, and Mickey McGonagle.

Freeman Boynton Jr. of Duxbury Construction LLC presented the project. Mr. Boynton said that the Commission had wanted there to be a minimum of encroachment on the base of the wall and to be sure the footing is deep enough. They dug 3 holes and determined the depth of the existing footing to be about 1 foot. He has reduced the width of the footing and extended the depth to 18". The footing is now deeper and the width has been decreased as the Commission requested. Joe Grady said the changes to the project addressed the Commission's concerns. Corey Wisneski asked if there will be any beach nourishment and Mr. Boynton said there would not, but the material displaced by the concrete will be placed on the beach.

On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 4-0 (with quorum members only voting) to write Orders of Conditions for SE18-1899, 195 King Caesar Road.

## **ADMINISTRATIVE MATTERS**

**Minutes:** On a motion by Sam Butcher, seconded by Tom Gill, it was voted 5-0 to approve the minutes of **February 25, 2020** as written.

**Certificates of Compliance: SE18-1764; 106 King Phillips Path:** Joe Grady is not recommending action on this request for Certificates of Compliance at this time because the walkway was not included in the coverage calculations.

**Extension Permits: SE18-1066; 1399 Tremont Street:** Joe Grady said this extension request is for ongoing weed control on a pond. Corey Wisneski asked if the same methods will be used as have been used in the past and Joe Grady said yes. On a motion by Corey Wisneski, seconded by Scott Zoltowski, it was voted 5-0 to issue Extension Permits for SE18-1066, 1399 Tremont Street.

**Requested Changes to Plan: SE18-1811; 103 Depot Street**

Sam Butcher recused himself from this discussion.

Joe Grady said this request will result in an expansion of coverage over what was previously requested but will still be below the original existing coverage at the site. He recommended accepting the revised plans under the existing Orders of Conditions. On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 4-0 to accept the revised plan under the existing Orders of Conditions for SE18-1811, 103 Depot Street.

**Continued Discussion: Conservation land use guidelines**

Mickey McGonagle suggested this be tackled in 2 parts. The first is to incorporate the changes which are largely editorial suggested by Scott Zoltowski to the existing guidelines. The second part would be for the Commissioners to decide whether to address further issues identified by Scott Zoltowski and Mickey McGonagle. This will be further discussed at a future meeting.

**Pine Point Encroachment:** Joe Grady said this will be discussed at a future meeting.

**Brewster Lilacs Conservation Restriction:** This land is owned by the Duxbury Rural & Historical Society and abuts 28 acres of protected land and has 3 certified vernal pools. It is a historically important piece of land, with the lilacs purportedly coming from Holland on the Mayflower.

On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 5-0 to accept the Brewster Lilacs Conservation Restriction.

**Adjournment:** On a motion by Mickey McGonagle, seconded by Sam Butcher, it was voted 5-0 to adjourn the meeting at 8:40 pm.

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*Approved June 16, 2020*

**MATERIALS REVIEWED AT THE MEETING**

Draft minutes of February 25, 2020

NOI materials for SE18-1898, SE18-1899; SE18-1900; SE18-1901

Revised plan for SE18-1811