

Approved July 13, 2021



Town of Duxbury
Conservation Commission
TOWN CLERK
2021 JUL 14 PM 2: 52
DUXBURY, MASS.

Minutes of June 29, 2021

The Duxbury Conservation Commission met on Tuesday, June 29, 2021 at 7:00 p.m. via remote Zoom videoconferencing.

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

Members Absent: Robb D'Ambruoso

Staff Present: Joe Grady, Conservation Administrator; Nancy Rufo, Administrative Assistant; Pat Loring, volunteer

Meeting was called to order by Chair, Corey Wisneski at 7:00 p.m.

Ms. Wisneski read the following preamble: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members.

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Regular Session: June 8, 2021. Holly Morris made a motion, seconded by Mickey McGonagle to approved the June 8, 2021 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 4 – 0.

Update on SE18-1810; 59/0 Gurnet Road revetment

A requested project update was received from owner, Candance Martin stating the contractor, Cairns & Sons, is committed to resolving the issue, but is unable to do so until after Labor Day.

Conservation Fund Expenditures:

Mapworks (Herb Heidt); Walking Trail Maps for website and printing: \$2750.00

Mapworks (Herb Heidt); Revise and update North Hill Marsh Kiosk materials: \$1140.00

Voss Signs: "Trail Closed" signs: \$420.00

Sam Butcher made a motion, seconded by Mickey McGonagle, to spend \$4310. from the Conservation Fund for the above expenditures. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 4 – 0.

7:05 p.m. Tom Gill and Scott Zoltowski joined the meeting.

**CONTINUED PUBLIC HEARING; READ/STENBECK & TAYLOR; 224 GURNET ROAD;
SINGLE FAMILY HOUSE
SE 18-1945**

Rick Servant, Stenbeck & Taylor project engineer, reviewed the project for a single family house on wood pilings. A revised plan has been submitted. Robert Galvin, Attorney for owner Ron Read, reviewed the property history which included filling in the 1960s or 70s, storage of assorted materials and debris, and water and sewer street connections with no betterments paid. Mr. Galvin stated the Resource Areas at the site include: Saltmarsh, Buffer Zone to a Saltmarsh, and Land Subject to Coastal Storm Flowage. After reading the seven interests of the MA Wetlands Protection Act, Attorney Galvin stated the project was "not significant to the Act". Lenore White, Wetland Strategies, LLC, peer reviewer and consultant to the Commission, noted the saltmarsh vegetation comes up high on the lot and the definition is the highest high tide which is elevation of 6.7 shown on the revised plan. In addition to LSCSF, the site is also adjacent to a Barrier Beach. She stated the house would result in destruction to the saltmarsh and the project does not meet the state or local regulations. Joe Grady read the definition of a saltmarsh from the state regulations and stated the same definition exists in the Duxbury Wetland Bylaw Regulations which is the highest high tide elevation. As a result, the proposed dwelling would be constructed in the saltmarsh. Local Performance Standards require a 35 ft. setback from a saltmarsh. Joe Grady noted there is clear evidence through numerous photographs that the site is a Saltmarsh Resource Area. Mickey McGonagle stated the Commission has no authority to approve siting a house in a Resource Area.

Holly Morris made a motion, seconded by Sam Butcher, to deny SE18-1945 and to close the Public Hearing. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 – 0.

**CONTINUED PUBLIC MEETING; WILLIAMS (76 CAPTAINS HILL
ROAD)/THEMISTOKLEOUS (78 BAY ROAD)/ SEACOAST ENGINEERING; TREE REMOVAL**

Paul Brogna, Seacoast Engineering, reviewed the project to date. On May 25, 2021 a revised plan with the wetland line was submitted to the Commission and trees to be removed were marked in the field. Corey Wisneski stated the healthy living trees to be removed are located in a Wetland Resource Area and removing them to improve a view will require a Notice of Intent filing. All Commissioners expressed their agreement. Discussion followed on how to proceed. A Notice of Intent is required, but a Peer Review will most likely not be needed.

Tom Gill made a motion, seconded by Sam Butcher to issue a Positive Determination. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 – 0.

**CONTINUED PUBLIC HEARING; BANNER CONSTRUCTION/SOUTH SHORE SURVEY
CONSULTANTS; 761 TEMPLE STREET; ANRAD
SE18-1871**

Joe Grady stated this project dates from August of 2019. Since then, the Town has purchased the property. The project needs to be resubmitted with the Town as the owner and with the Town Manager's signature. The Applicant was informed by email on June 9, 2021 of this requirement, plus the need for \$2,850.00 for Peer Review. To date, there has been no response. Also, the fee for the Peer Review has never been paid. Joe Grady recommended the Commission deny the project for inadequate information and inability to review the project.

Holly Morris made a motion, seconded by Tom Gill, to deny the project and close the Public Hearing. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 – 0.

**PUBLIC HEARING; LARRYLAND/MACKENZIE ENGINEERING; 755 FRANKLIN STREET; ANRAD
SE18-1964**

Corey Wisneski read the Public Hearing Legal Notice. Austin Chartier, MacKenzie Engineering, presented the project along with Brad Holmes, ECR. Larry Friedman was also present. The project site is adjacent to the Sun Tavern on Franklin Street. Brad Holmes stated there is a Bordering Vegetated Wetland adjacent to an intermittent stream (drainage ditch). A June 10, 2021 site plan with the wetland delineated has been submitted. Joe Grady has reviewed the plan and recommends the Commission accept the plan with the BVW delineation.

Tom Gill made a motion, seconded by Holly Morris, to approve the wetland line on the June 10, 2021 plan and to close the Public Hearing. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 – 0.

**PUBLIC HEARING; GIBBONS/MORSE ENGINEERING; 35 HALLS BROOK WAY; SEPTIC REPLACEMENT
SE18-1968**

Corey Wisneski read the Public Hearing Legal Notice. James Garfield, Morse Engineering, presented the project, stating the site includes an Inland Bank, a BVW and an inner riparian zone. The replacement septic system is to be sited in the same location as the old septic system, no other location exists because of the adjacent BVW. Joe Grady agrees with the wetland delineation and recommends writing an Order of Conditions. He reminded the new owner this Order of Conditions is for the septic system construction only and any further work will likely require a new Notice of Intent filing. Adjacent lots are owned by the town after being taken for back taxes because they were unbuildable and wet.

Sam Butcher made a motion, seconded by Scott Zoltowski, to write an Order of Condition and close the Public Hearing for SE18-1968. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

ADMINISTRATIVE MATTERS:

Certificate of Compliance:

SE18-1760, 33 Marginal Road. A letter from Mary and John Norris requested a Certificate of Compliance. Joe Grady stated the work was never done, the Order of Conditions has expired and he recommends issuing a Certificate of Compliance to close out the project.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1760. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Adjournment: Sam Butcher made a motion, seconded by Scott Zoltowski, to adjourn the meeting at 8:05 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill,

CONSERVATION MINUTES

June 29, 2021

Page 4

Approved July 13, 2021

yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes.
Motion carried 6 to 0.

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, July 13, 2021 at 7:00 p.m.