



Approved September 7, 2021

TOWN CLERK

2021 SEP -9 AM 10:39

# Town of Duxbury Conservation Commission

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DUXBURY, MASS.

## Minutes of August 10, 2021

The Duxbury Conservation Commission met on Tuesday, August 10, 2021 at 7:00 p.m. via remote Zoom videoconferencing.

**Members Present:** Corey Wisneski; Sam Butcher; Tom Gill; and Holly Morris

**Members Absent:** Robb D'Ambruoso, Chair; Mickey McGonagle and Scott Zoltowski

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

Meeting was called to order by 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: July 27, 2021.** Holly Morris made a motion, seconded by Sam Butcher, to approved the July 27, 2021 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

#### Certificates of Compliance:

**SE18-1931; Stenbeck & Taylor; 77 Gurnet Road; new deck/retaining wall repair**

Joe Grady reported he inspected the site; the concrete landing is slightly wider than proposed but conforms to the Order of Conditions. He recommended the Commission issue a Certificate of Compliance.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1931. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**SE18-1521; Seacoast Engineering; 27 Elderberry Lane; raze/construct single family house**

Joe Grady reported he inspected the site, received an As-Built Plan and he recommended the Commission issue a Certificate of Compliance.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5471; Fax: 781-934-1137

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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.

Holly Morris made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1521. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**SE18-1512; 6 Saw Mill Road; Duxbury Farms/single family house**

Joe Grady stated because of the manner in which this 40B subdivision was permitted, individual lots, such as this one, became attached to the subdivision's Order of Conditions. The house at 6 Saw Mill Road complies with the SE18-1512 Order of Conditions with one minor change. Mr. Grady recommended the Commission issue a Certificate of Compliance.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1512. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**SE18-1819; Pat Brennan, Amory Engineering; Duxbury Beach; seawall repairs**

Joe Grady reported he received an As-Built Plan, inspected the site and the project conforms to the Order of Conditions. He recommended the Commission issue a Certificate of Compliance.

Holly Morris made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1819. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**SE18-1912; 195 King Caesar Road; pool**

Joe Grady reported he inspected the project. Impervious coverage in the Buffer Zone increased from 14.5% to 14.7%. The project still complies with the Order of Conditions and he recommended issuing a Certificate of Compliance.

Tom Gill made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1912. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**SE18-1847; 40 & 43 Wadsworth Lane; revetment**

Joe Grady reported he inspected the revetment which complies with the Order of Conditions and he recommended the Commission issue a Certificate of Compliance.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1847. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**SE18-1854; 73 Washington Street; revetment**

SE18-1854 is the same project as SE18-1847 above. Twelve feet of the revetment extends onto land of 73 Washington Street. Joe Grady inspected the project, found it complies with the Order of Conditions and recommended the Commission issue a Certificate of Compliance.

Holly Morris made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1854. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**PUBLIC HEARING; HUSK/ENVIRONMENTAL COMPLIANCE & RESTORATION; 160 MARSHALL STREET; SHEDS (BUNGALOWS) RELOCATION  
SE18-1971**

Corey Wisneski read the Public Hearing Legal Notice. Brad Holmes, ECR, consultant to the landowner, addressed the two items of non-compliance. Two temporary sheds/bungalows have been moved onto the property within 20 ft. of the Coastal Bank without an Order of Conditions. Mr. Holmes stated the bungalows will be moved outside the 35 ft. Coastal Bank setback and any disturbed areas will be seeded and stabilized. The activity is also within Land Subject to Coastal Storm Flowage. The entire 7.6-acre property is under the jurisdiction of the MA Wetlands Protection Act, M.G.L. Chapter 131 Section 40 and Duxbury's Wetland Bylaw, making the entire property under the authority of the Conservation Commission. Lengthy discussion followed on this landowner's history of violations. Commissioners agreed another site visit is required at which the landowner must be present to answer questions. Neighbor, Bill Rice, asked how bungalow waste was being handled since there are no septic systems or electrical connections to the bungalows. Mr. Grady will schedule a site visit.

Sam Butcher made a motion, seconded by Holly Morris, to continue the Public Hearing for SE18-1971 until September 7, 2021 at 7:15 p.m. Joe Grady stated this would be the only notification of the Continued Public Hearing date and time. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**CONTINUED PUBLIC HEARING; REQUEST FOR AMENDMENT TO OOC;  
SAVARD/MCKENZIE ENGINEERING; 5 EVERGREEN TERRACE (LOT A); ADDITION OF POOL AND PATIO  
SE18-1921**

Austin Chartier, McKenzie Engineering, presented the project which requires amending the Order of Conditions for SE18-1921. The requested amendment activities increase the Buffer Zone coverage from 1.7% to 5.5% (15% is the maximum allowed) by adding a pool, patio and associated landscaping. Joe Grady stated the work conforms to the Commission's Rules and Regulations and he recommended amending the Order of Conditions.

Holly Morris made a motion, seconded by Sam Butcher, to close the Public Hearing and amend the Order of Conditions for SE18-1921. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

**PUBLIC HEARING; KENT/MERRILL ENGINEERS; 433-447 WASHINGTON STREET;  
DEMOLISH/REBUILD GARAGE BAYS  
SE18-1972**

Deb Keller, Merrill Engineers and Land Surveyors, briefly reviewed the project which consists of demolishing an existing seven bay repair shop and raising and rebuilding a five-bay repair shop in a new location further from the Resource Area. Ms. Keller stated since the Commission's last Public Hearing there has been additional stormwater coordination with abutter, Mr. Krugger. Paul Brogna, Seacoast Engineering, representing Mr. Krugger, stated the project is on ZBA agendas in September and October and Mr. Krugger supports the project at Bayside Marine.

Holly Morris made a motion, seconded by Tom Gill, to close the Public Hearing and write an Order of Conditions for SE18-1972. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4-0.

**ADMINISTRATIVE MATTERS:**

**160 Marshall Street:** Corey Wisneski led a discussion on how to manage the continuing violations at 160 Marshall Street. Lack of baseline information adds to the enforcement problems. Getting assistance from Town Counsel or other sources was discussed. It was decided not to issue an Enforcement Order at this time, but to wait until after the site visit in order to itemize anticipated violations.

**ADJOURNMENT:** Sam Butcher made a motion, seconded by Holly Morris, to adjourn the meeting at 7:50 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 0.

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