



Town of Duxbury Conservation Commission

Approved 9/15/2020
TOWN CLERK

2020 SEP 17 PM 3:20
DUXBURY, MASS.

Minutes of August 25, 2020

The Duxbury Conservation Commission met on Tuesday, August 25, 2020 at 7:00 PM via remote Zoom meeting.

Members Present: Corey Wisneski, Chair; Robb D'Ambruoso, Vice-Chair; Sam Butcher; Tom Gill; Mickey McGonagle; Scott Zoltowski

Members Absent: Holly Morris

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

Chair Corey Wisneski called the meeting to order at 2:00 pm. She confirmed the following individuals to be present (followed by their response): Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes.

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. For this meeting, members of the public who wish to watch the meeting may do so via the ZOOM meeting information that has been provided. No in-person attendance of members of the public will be permitted. Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities.

EXECUTIVE SESSION: LITIGATION

Corey Wisneski made a 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 Tom Gill. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

The meeting reconvened in Open Session at 2:30 pm.

PUBLIC MEETING; CURRIER; 230 MARSHALL STREET; POND MAINTENANCE

Colin Gosselin and Joe Onorato of Water & Wetlands presented the project. This filing is for phragmites control and a Notice of Intent will be filed for future invasives control work. They propose treating the phragmites with Clearcast and then cutting and disposing of them after a hard frost. Mickey McGonagle asked the best time for phragmites treatment and Joe Onorato said the best time is September because the phragmites are sending energy into their rhizomes so if you put herbicide on the leaves it goes to the rhizomes and kills the plant. Treatment can

happen until the first frost, usually mid October. Corey Wisneski asked if this herbicide has been used in Duxbury before, and Colin Gosselin said he wasn't sure but it is used almost exclusively on Nantucket now; 80% control can be achieved in 1 year.

Sam Butcher made a motion to issue a Negative Determination for phragmites control at 230 Marshall Street so that no Notice of Intent is required for the work. The motion was seconded by Scott Zoltowski. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

PUBLIC MEETING; JEFISKI; 181 MYRTLE STREET; ADDITION & DECK

Rick Servant of Stenbeck & Taylor presented the project. There is an existing single family home with a deck; they propose to remove the deck and add a 16' x 25.5' addition and deck within the existing footprint. The existing coverage is 14.8% and the proposed coverage is 14.7%. Joe Grady said the project meets the Commission's rules and regulations and he recommends a negative determination.

Sam Butcher made a motion to issue a Negative Determination for the addition and deck project at 181 Myrtle Street so that no Notice of Intent is required for the work. The motion was seconded by Mickey McGonagle. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

PUBLIC MEETING; HAFLEY; 200 CRESCENT STREET; PIER

Paul Brogna of Seacoast Engineering explained that there is no work proposed with this filing, it is required as part of the Chapter 91 licensing process. Joe Grady said the plan submitted is accurate and no work is proposed so he recommends a negative determination.

Tom Gill made a motion to issue a Negative Determination for the 200 Crescent Street pier with no work proposed. The motion was seconded by Sam Butcher. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 10 HOWLANDS LANDING; RAMP & FLOAT

Freeman Boynton Jr. of Duxbury Construction said a Notice of Intent for a pier at this location was filed in 2006 including the addition of gangways and floats. The homeowner built a temporary float and gangway. The house is now being sold and so an RDA is being filed for a float and gangway. Joe Grady said the original project permitted a ramp and float; there is a minor modification to the original plan with this filing to help avoid impacts on cordgrass; he recommends a Negative Determination.

Sam Butcher made a motion to issue a Negative Determination for the ramp and float project at 10 Howlands Landing so that no Notice of Intent is required for the work. The motion was seconded by Tom Gill. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 95 WEST STREET; DRIVEWAY, LANDSCAPING

SE18-1913

The applicant has requested that this hearing be continued to the next meeting.

Scott Zoltowski made a motion to continue the hearing for SE18-1913, 95 West Street, until September 15 at 2:00 pm. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 65 SAMOSET ROAD; SINGLE FAMILY HOME & SEPTIC SYSTEM

SE18-1914

Freeman Boynton Jr. of Duxbury Construction LLC described the project which is to take down the exiting home and build a new home with a porch on piers. The home is outside of the 50' buffer. There are existing Orders of Conditions for the pool. The existing garage will be taken down and replaced. The coverage is 37.5% now and the proposed coverage is 36.5%. Sam Butcher recommended caution in meeting the coverage requirements. Joe Grady asked why there is so much fill being brought in for the project, Mr. Boynton said it is to push the flood elevation out further from the house by raising the grade.

Charles Sullivan of 57 Samoset Road, an abutter, asked if the foundation is being raised 2 feet. Freeman Boynton said the foundation is being raised approximately 2'. There is currently a sump pump in the basement and they will raise the basement floor up to minimize the pumping required by the sump pump.

Dennis Murphy of Hill Law said he has been hired by Mr. Sullivan to represent him. The concern is surface runoff increasing with the regrading. Mr. Boynton said the water flow is off the site to the south, not towards Mr. Sullivan's property to the west. There was discussion about the direction of water drainage and possibly adding a swale. Mr. Sullivan said the property line shown on the plan is the former property line, there was a land swap with a right of access over a portion but not the right to regrade or create a swale. He does not object to the demolition of the house he just doesn't want any adverse impacts on his property.

Sam Butcher asked if Orders can be written for the part of the project that is not on the Patel's property. Joe Grady said Orders of Conditions cannot be written for the portion of the project that is not on the Patel's property. Freeman Boynton said he would meet with the Sullivans to discuss the situation and work out a solution. Tom Gill made a motion to write Orders of Conditions for SE18-1914, 65 Samoset Road, excluding the work that is not on the Patel's lot. The motion was seconded by Sam Butcher. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

At 3:30 pm Robb D'Ambruoso and Scott Zoltowski left the meeting.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 23 CLEARWATER DRIVE;
ADDITION, GARAGE, UTILITIES, DRIVEWAY
SE18-1915**

The applicant has requested that this hearing be continued to the next meeting.

Corey Wisneski made a motion to continue the hearing for SE18-1915, 23 Clearwater Drive, until September 15 at 2:00 pm. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

**PUBLIC HEARING; MCGEE; 51 POLK STREET; SINGLE FAMILY HOME; HARDSCAPE,
LANDSCAPE
SE18-1916**

Brendan Sullivan of Cavanaro Construction presented the project. This road was formerly known as Plumfield Lane. At 41 Polk Street there is an existing dwelling, at 51 Polk Street there is a lawn and 2 garages. Resource areas include a Riverfront Area, Land Subject to Coastal Storm Flowage, and a Salt Marsh. Approximately 300 square feet of the proposed house is in the buffer zone with hardscaping in the buffer zone. The existing coverage is 1.3% and the proposed coverage is 2.8%. Joe Grady said the project meets the Commission's rules and regulations and very little work is proposed in the Buffer Zone and no work in the Riverfront Area.

Sam Butcher made a motion to write Orders of Conditions for SE18-1916, 51 Polk Street. The motion was seconded by Tom Gill. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

ADMINISTRATIVE MATTERS

Minutes: Sam Butcher made a motion to approve the minutes of August 4, 2020 as written. The motion was seconded by Mickey McGonagle. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

Minutes: Sam Butcher made a motion to approve but not release to the public the Executive Session minutes of March 10, 2020. The motion was seconded by Mickey McGonagle. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

Certificates of Compliance

SE18-1834, 28 Sunset Road: Joe Grady reported that all required documentation has been received, he has done a site inspection, the project complies with the Orders of Conditions, and he recommends the Commission issue Certificates of Compliance for SE18-1834. Tom Gill made a motion to issue Certificates of Compliance for SE18-1834, 28 Sunset Road. The motion was seconded by Mickey McGonagle. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

SE18-1364, 10 Howland's Landing: Joe Grady reported that all required documentation has been received, he has done a site inspection, the project complies with the Orders of Conditions, and he recommends the Commission issue Certificates of Compliance for SE18-1364. Corey Wisneski made a motion to issue Certificates of Compliance for SE18-1364, 10 Howland's Landing. The motion was seconded by Mickey McGonagle. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

Planning for Next Meeting

Joe Grady suggested the Commission only have Public Hearings for projects in the buffer zone for another meeting.

Corey Wisneski made a motion to adopt the approach for the next meeting that the Commission will hold Public Hearings for projects in the Buffer Zone only. The motion was seconded by Sam Butcher. The roll call vote was: Sam Butcher, yes; Corey Wisneski, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

Meeting Schedule

A revised meeting schedule through December will be posted to the website and emailed to the Commissioners. The time of the meetings is to be determined.

Adjournment: Corey Wisneski made a motion to adjourn the meeting at 3:55 pm. The motion was seconded by Mickey McGonagle. The roll call vote was: Sam Butcher, yes; Corey Wisneski, yes; Tom Gill, yes; Mickey McGonagle, yes. The motion carried by a vote of 4-0.

MATERIALS REVIEWED AT THE MEETING

Draft minutes of August 4, 2020

NOI Materials for SE18-1914; SE18-1916

RDA materials for 230 Marshall Street, 181 Myrtle Street, 200 Crescent Street, & 10 Howland's Landing