



# Town of Duxbury Conservation Commission

Minutes of September 7, 2021

TOWN CLERK

2021 NOV 19 AM 11:43

DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, September 7, 2021 at 7:00pm via a remote Zoom meeting.

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

**Members Absent:** none

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:01pm.

Mr. D'Ambruoso 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.

Members present on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes.

## ADMINISTRATIVE MATTERS:

### Minutes for Approval:

**Regular Session: August 10, 2021:** Corey Wisneski made a motion, seconded by Holly Morris, to approve the minutes of August 10, 2021. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

**Conservation Commission Reorganization:** Sam Butcher made a motion, seconded by Tom Gill, to appoint Scott Zoltowski as Conservation Commission Vice Chair. Motion passed with one abstention on a roll call vote: Sam Butcher, yes; Scott Zoltowski, abstain; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 6-0-1.

## PUBLIC MEETING; FOOTE/DUXBURY CONSTRUCTION; 32 WINSOR STREET; FILLING AND GRADING

Robb D'Ambruoso read the Public Meeting Legal Notice. Freeman Boynton, Duxbury Construction LLC, representing landowner Cheryl Foote, presented plans showing existing and proposed conditions. There is a small depression in the yard that will be filled utilizing material left over from work at a neighboring property located at 46 Winsor Street. The work is in land subject to coastal

storm flowage and in the buffer to beach and salt marsh. Joe Grady stated he has reviewed the project and recommends a Negative Determination.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Negative Determination for 32 Winsor Street. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

**PUBLIC HEARING; BUCKLEY/STENBECK & TAYLOR; 55 OCEAN ROAD NORTH; RAZE AND REBUILD SINGLE FAMILY HOME  
SE18-1973**

Robb D'Ambruoso read the Public Hearing Legal Notice. Rick Servant, Stenbeck & Taylor, reviewed the background of the project. This is a residential demolition and rebuild located on a barrier beach in a buffer to a coastal bank/seawall and coastal beach, and in Land Subject to Coastal Storm Flowage (LSCSF). The existing structure is from 1930 with a lower-level walkout. The proposed plan is to remain within the existing footprint and elevate the new house on piles so that it is flood compliant, and constructed to meet the height requirements in a VE zone. The new house has a slight decrease in square footage in the VE zone, mainly due to the change in size of the deck. Joe Grady stated that Conservation does not allow structure expansion in the no-build set back, and noted the deck does appear to have a slight change from the existing footprint with an expansion into the 35' no-build zone. He also questioned whether this is being rebuilt from a one-story to a two-story structure as Conservation regulations do not allow for expansion of living space within the Velocity Zone. He suggested that a site visit may be required. A detailed discussion followed including review of Architectural Plans. Mr. Buckley noted that the existing structure has a "bunkhouse" that has been livable for the past 80 years in the basement, so the existing structure is considered two-story. The Commission agreed that the existing structure is two story. It was agreed that the proposed deck needs to be revised to match the existing footprint. Mr. Buckley was concerned a continuation of the Conservation hearing would impact the Zoning Board meeting later in the week. The Commission felt a continuation was necessary, however, as plan revisions are necessary. As a compromise, Joe Grady agreed to send a memo to the Zoning Board stating that Conservation is satisfied with the plan for the house, and expect to approve and issue orders at the next meeting with a slight variation to the deck.

Tom Gill made a motion, seconded by Holly Morris, to continue the Public Hearing for SE18-1973 to September 21, 2021 at 7:15pm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

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

Brad Holmes, Environmental Compliance & Restoration, reviewed the background of the project. Mr. Holmes and landowners CJ and Cleonice Husk met on the property last Thursday (9/2/2021) with members of the Conservation Commission. Based on the results of that visit, Mr. Holmes revised the site plan to relocate the sheds (bungalows) outside of the 35-foot Buffer Zone with minimal impact to

trees. Commission discussion of the revised plan followed. Mickey McGonagle stated he is not inclined to approved the application for 160 Marshall Street due to the extensive history with the Husks ignoring Conservation laws. He suggested an enforcement order and fines should be considered. Tom Gill would like to see a larger plan for the site before approving. Corey Wisneski believes the Husks are complying with this particular application, and that other items (i.e., existing deck built without approval) should be discussed as a separate issue with possible enforcement considerations. Sam Butcher and Robb D'Ambruoso agreed with Ms. Wisneski. After more discussion, the Commissioners mostly agreed the application presented before them meets their rules and regulations, and decided to table the enforcement discussion to later in the meeting.

Corey Wisneski made a motion, seconded by Sam Butcher, to close the Public Hearing and write Orders of Conditions for SE18-1971. Motion passed with one abstention on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, abstain; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 6-0-1.

#### **PUBLIC MEETING; MCCRYSTAL/SEACOAST ENGINEERING; 2 INGALLS GROVE; PATIO RENOVATION**

Robb D'Ambruoso read the Public Meeting Legal Notice. Paul Brogna, Seacoast Engineering, representing property owners Tmothy and Nicole McCrystal, presented plans showing existing and proposed conditions. An approximately ten-year-old patio will be renovated and modernized resulting in a decrease in site coverage. All work will be done within the footprint of the stone wall and patio that currently exist, with the final condition actually showing a smaller footprint. The project will come no closer than 65 feet to the wetlands. Sam Butcher asked Mr. Brogna to closely monitor the project so that it does not exceed 15% coverage within the Buffer Zone.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Negative Determination for 2 Ingalls Grove. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

#### **PUBLIC HEARING; TOWN OF DUXBURY/CONSERVATION COMMISSION; 0 SUMMER STREET; RESTORATION OF FORMER AGRICULTURAL FIELDS SE18-1974**

Robb D'Ambruoso read the Public Hearing Legal Notice. Joe Grady presented the project for the Conservation Commission. This is a 28-acre site off of Route 53 that was previously an old turkey farm which has grown over much, if not all, in the past 30 years. The land has been previously surveyed and wetlands flagged, as well as soil type identified. The property possesses prime agricultural soil and, as such, Mr. Grady has obtained funding to clear a portion of the land and install irrigation with the intent to provide open fields to be farmed. In researching this type of site, a working group was formed to explore the pitfalls and successes of other towns with active farms. The group visited municipal farms in Lincoln, Middleboro and Norwell. Through this research, Mr. Grady learned farmers are most successful if you prepare the land for them first. Mr. Grady proposes that 7.5 acres be cleared (in addition to the currently cleared 3 acres) in order to restore the land to its previous state as agricultural farm fields. This will include preparing the area for crops,

well installation, and removal of debris on site (bricks, trash, etc.). COVID has increased the interest in farming and they expect a very positive response. The hope is also for possible CSAs and a farm stand on Route 53. Some farmers Mr. Grady has preliminarily spoken with indicate they need as little as three acres to be successful. Commission discussion followed. Corey Wisneski asked if we need draft rules for pesticide and fertilizer due to wetlands and possible vernal pools on site. Sam Butcher noted for the record that he is the Historical O'Neil Farm Town representative and sits on the board. He felt it important to make this known since the O'Neil Farm is a direct abutter to the site. Public comment followed where abutter Kate Reynolds (67 Bravender Lane) stated she is looking for more information about what will happen after the clearing. She is concerned about noise, pesticide and fertilizer use. Mr. Grady replied that the town is extremely careful with these issues and successfully operates over 200 acres of cranberry bogs, seven hay fields and one Christmas Tree Farm. Noise impact should be minimal, and pesticide and fertilizer application is regulated by the State and requires applicators to be trained and licensed.

Corey Wisneski made a motion, seconded by Sam Butcher, to close the Public Hearing and write Orders of Conditions for SE18-1974. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

#### **DISCUSSION RELATED TO POSSIBLE ENFORCEMENT AT 160 MARSHALL STREET**

Discussion resumed regarding previous unpermitted activities at 160 Marshall Street. It was noted the sheds (bungalows) included under SE18-1971 were constructed without the benefit of a permit from the Conservation Commission. Corey Wisneski thinks enforcement would be a good idea on this site due to additional unpermitted structures observed during the 9/2/2021 site visit. Mikey McGonagle agreed and would like to discuss enforcement and a possible timeline, then begin fines. Holly Morris and Tom Gill agree with Mr. McGonagle's suggestion. Scott Zoltowski agrees as well since the Husks knowingly and repeatedly violate the town bylaw. Joe Grady recommended that he work with Chair Robb D'Ambruoso over the next few weeks and formally add the discussion to the next Commission meeting agenda on September 21<sup>st</sup>.

#### **ADMINISTRATIVE MATTERS (continued):**

##### **Requests for Modification**

**SE18-1800; 65 Samoset Road; pool:** Freeman Boynton, Duxbury Construction LLC, presented the revised plan dated 8/2/2021 showing a replacement pool with auto cover to keep out sand and debris. Joe Grady noted that although the pool deck is located within the buffer zone, it is still within the footprint of the existing pool on site. Mr. Grady recommended accepting the modified plan as the Plan of Record.

Sam Butcher made a motion, seconded by Tom Gill, to accept the modified plan dated 8/2/21 as the Plan of Record for 65 Samoset Road. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

**SE18-1914; 65 Samoset Road; steps and walkway:** Freeman Boynton, Duxbury Construction LLC, presented the revised plan dated 8/2/2021 showing a revision to the proposed patio and steps. Joe Grady noted that he has reviewed the revision and recommended accepting the modified plan as the Plan of Record.

Corey Wisneski made a motion, seconded by Sam Butcher, to accept the modified plan dated 8/2/21 as the Plan of Record for 65 Samoset Road. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

**SE18-1958; 52 Lincoln Street; enlarge deck:** Freeman Boynton, Duxbury Construction LLC, presented the revised plan dated 7/30/2021 showing the proposed deck increasing from 10'x10' to 12'x16', partially within the 100-foot Buffer Zone. It was noted the deck is still 80.4' from the wetland. Joe Grady noted that he has reviewed the revision and recommended accepting the modified plan as the Plan of Record.

Tom Gill made a motion, seconded by Corey Wisneski, to accept the modified plan dated 7/30/21 as the Plan of Record for 52 Lincoln Street. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

**Certificates of Compliance:**

**SE18-1907; Grady Consulting; 8 Dogwood Drive (Lot D); grading**

Joe Grady reported that he reviewed the site and noticed industrial demolition fill had been used for the grading around the house. This fill contained broken glass, bricks, and other debris. The Department of Environmental Protection is aware of the issue and will most likely be issuing an enforcement order. Given this, Mr. Grady is not recommending a Certificate of Compliance at this time for SE18-1907.

**ADJOURNMENT:** Holly Morris made a motion, seconded by Corey Wisneski, to adjourn the meeting at 8:35pm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Scott Zoltowski, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Robb D'Ambruoso, yes. Motion carried 7-0.

**NEXT MEETING:** The next meeting of the Conservation Commission is scheduled for Tuesday, September 21, 2021 at 7:00pm.