



Approved 10/27/2020

TOWN CLERK

Town of Duxbury
Conservation Commission DUXBURY, MASS.

2020 DEC -8 PM 2:46

Minutes of October 6, 2020

The Duxbury Conservation Commission met on Tuesday, October 6, 2020 at 7:00 PM via remote Zoom meeting.

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

Members Absent: none

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

Chair Corey Wisneski called the meeting to order at 7:00 pm.

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.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 95 WEST STREET;
DRIVEWAY
SE18-1913**

Freeman Boynton Jr. presented this project which is to modify a driveway. Drainage analysis was done at Joe Grady's request. They will remove trees and flatten for new access. Joe Grady asked about the slope on the driveway to the basin Mr. Boynton said it is pitched adequately. Corey Wisneski suggested adding a Cape Cod type berm to the wetlands side of the driveway.

Sam Butcher made a motion to issue Orders of Conditions for SE18-1913 to include a Cape Cod berm to the south side of the driveway. The motion was seconded by Mickey McGonagle. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

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

Freeman Boynton Jr. said this project is a garage addition and house addition and patio. Brad Holmes has done a Riverfront analysis. There will be a net 1640 square feet of degraded area and they propose restoration at 1:1 and mitigation at 2:1. Joe Grady recommended the

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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.

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mitigation plantings be required to be finished by May 15 and 3 years of monitoring reports are required following planting.

Tom Gill made a motion to write Orders of Conditions for SE18-1915 to include requirements that the mitigation plantings be done by May 15 and 3 years of monitoring reports be required. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

**CONTINUED PUBLIC HEARING; BANNER CONSTRUCTION; 761 TEMPLE STREET;
ANRAD
SE18-1871**

On the request of the applicant, this hearing will be continued until December 8.

Sam Butcher made a motion to continue the Public Hearing for SE18-1872 until December 8 at 7:05 pm. The motion was seconded by Holly Morris. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 230 MARSHALL
STREET; SEAWALL
SE18-1891**

Joe Grady reported that Lenore White was hired to do a review and there have been back and forth comments and responses with the applicant. This should be ready for discussion at the October 27th meeting.

Tom Gill made a motion to continue the Public Hearing for SE18-1891 until October 27 at 7:05 pm. The motion was seconded by Robb D'Ambruoso. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

**PUBLIC HEARING; STENBECK & TAYLOR; 0 MAYFLOWER STREET; SINGLE FAMILY
HOME & SEPTIC SYSTEM
SE18-1911**

At the request of the applicant, this hearing will be continued until December 8.

Tom Gill made a motion to continue the Public Hearing for SE18-1911 until December 8 at 7:10 pm. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 95 HORNBEAM ROAD; SEAWALL
SE18-1902**

Freemen Boynton Jr. said this project is to move a wall that was built incorrectly in a previous filing. The property owner removed vegetation from the bank and installing chinking stone. The larger stones at the base were there previous to this work. Joe Grady said he was shocked to see the alteration to the bank. There were no permits to do any work on the bank. The bank is denuded of vegetation and had been covered with trees. Mickey McGonagle asked if this is a

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case where remediation is needed or if it is an enforcement situation. Joe Grady said the property owner has filed a Notice of Intent to armor the Coastal Bank, but should they be required to restore the bank first. Corey Wineski said they should restore the part of the bank that was cleared and then the armoring can be considered afterwards. Robb D'Ambruoso said having the bank replanted to then rip it out and armor it seems like it could cause more damage. Joe Grady said it doesn't have to be decided now. A site visit by the Commission will be scheduled.

Sam Butcher made a motion to continue the hearing for SE18-1902 until November 17 at 7:05 pm. The motion was seconded by Scott Zoltowski. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

PUBLIC HEARING; HYER; 225 KING CAESAR ROAD; PIER REPLACEMENT SE18-1903

Paul Brogna let the Commission know he was tied up with a hearing in Plymouth so Joe Grady described the project which is to replace an existing pier with a narrower pier that is 4' wide. This pier will also be slightly shorter than the pier that was there. Frank Hyer, the property owner, said the pier was destroyed about a year and a half prior.

Sam Butcher made a motion to write Orders of Conditions for SE18-1903. The motion was seconded by Scott Zoltowski. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

CONTINUED PUBLIC HEARING; ROMANO; 365 KING CAESAR ROAD; PIER SE18-1906

This is an application for a new pier. Joe Grady recommends hiring Wetlands Strategies Inc. to do a peer review. He solicited a proposal for the review and is asking the Commission to vote to hire the consultant.

Tom Gill made a motion to Hire Wetlands Strategies, Inc. to do a peer review of this pier project. The motion was seconded by Holly Morris. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

Sam Butcher made a motion to continue the hearing for SE18-1906 until November 17 at 7:10 pm. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 93 ABRAMS HILL; SEASONAL PIER SE18-1905

Joe Grady said this project is a new pier and uses a new design and recommends the Commission hire a peer review consultant. He solicited a proposal for the review and is asking the Commission to vote to hire the consultant.

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Sam Butcher made a motion to Hire Wetlands Strategies, Inc. to do a peer review of this pier project. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

Tom Gill made a motion to continue the hearing for SE18-1905 until November 17 at 7:15 pm. The motion was seconded by Scott Zoltowski. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 184 MARSHALL STREET; PATIO SE18-1910

Robb D'Ambruoso recused himself from this hearing.

Freeman Boynton Jr. said he built a seawall around 2011 and when it was completed the owner built a patio. This filing is an after the fact NOI for the patio. The current top of the bank is above the top of the seawall making the patio 25' from the top of the bank. When the NOI for the seawall was filed the top of the coastal bank as defined by a break in slope was in a different location, but in building the wall and grading the slope decreases and therefore the top of the coastal bank is now the top of the seawall.

Joe Grady said he received an application for Certificates of Compliance for the seawall project, and when he did his inspection he saw the patio in the coastal bank. The building of the wall didn't permit the changing of the slope of the bank. To the south or right side the delineation of the bank wasn't properly done in 2011 and a new delineation might be acceptable, but to the north or left side the flat area constructed because of the wall was not permitted. He recommends a site visit.

Eric Pontiff, the homeowner who bought the property in April of 2020 said he hopes there will be no further disruption of the bank and hopes the patio will be permitted.

Sam Butcher made a motion to continue the hearing for SE18-1910 until October 27 at 7:10 pm. The motion was seconded by Tom Gill. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

PUBLIC HEARING; HAMORI; 46 WINSOR STREET; WOODEN BULKHEAD REPLACEMENT SE18-1918

Paul Seaburg of Grady Engineering explained this is an existing single family home with a bulkhead seawall with a stone revetment. The project is to remove and replace the bulkhead. Joe Grady said there are no details with the application as to how this will be constructed. The location is close to or in resource areas and there are tides twice a day at the wall. How will the stones against the wall be removed and where will they be removed to? How will the 29' long piles be driven? He suggests the Commission hire engineer Patrick Brennan to review this submission and to oversee construction. This project is in the bay, and the wall does need to be rebuilt but it is important to ensure the resource areas are not impacted.

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Paul Seaburg said he understands the concerns. They haven't had any site contractors weigh in on approaches. Joe Grady said he will solicit a review proposal that the Commission can vote at the next meeting.

Sam Butcher made a motion to continue the Hearing for SE18-1918 until October 27 at 7:15 pm. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

ADMINISTRATIVE MATTERS

Certificates of Compliance

SE18-1560; 184 Marshall Street: Joe Grady said this is an after the fact Notice of Intent and he does not recommend any action at this time.

SE18-1621; 48-55 Hicks Point 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 SE18-1621. Scott Zoltowski made a motion to issue Certificates of Compliance for SE18-1621, 48-55 Hicks Point Road. The motion was seconded by Holly Morris. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

SE18-1855; 9 Cooper Hill; Partial Certificate of Compliance: 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 Partial Certificates of Compliance for Lot 9 only (other lots were part of this filing). Sam Butcher made a motion to issue Partial Certificates of Compliance for SE18-1855; 9 Cooper Hill, Lot 9 only. The motion was seconded by Scott Zoltowski. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

SE18-1838; 12 Midway 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. Scott Zoltowski made a motion to issue Certificates of Compliance for SE18-1838; 12 Midway Road. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

SE18-1064, 42 Plumfield Lane: Joe Grady said this is on the Agenda by mistake and no action is recommended.

Extension Request: SE18-1795; 22 Surplus Street

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Sam Butcher made a motion to issue Extension Permits for Se18-1795, 22 Surplus Street. The motion was seconded by Robb D'Ambruoso. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

Duplicate Original Extension Permits: SE18-1198

These Extension Permits were not recorded and were lost and the Commission is reissuing duplicate originals; no vote is required.

Conservation Fund Expenditure

Joe Grady is asking the Commission to authorize the expenditure of \$1700 for the final phase of the Jaycox Tree Farm replanting.

Tom Gill made a motion to allow the expenditure of up to \$1700 for seedlings for the Jaycox Tree Farm. The motion was seconded by Holly Morris. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

Enforcement: Approval of restoration at 39 Ocean Road N

Joe Grady said the homeowners have completed the restoration and he is asking the Commission to vote to accept the remediation. Tom Gill made a motion to accept the remediation at 39 Ocean Road N. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

Next meeting: The next meeting of the Conservation Commission will be Tuesday, October 27 at 7:00 pm.

Adjournment: Robb D'Ambruoso made a motion to adjourn the meeting at 9:15 pm. 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; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 7-0.

MATERIALS REVIEWED AT THE MEETING

NOI Materials for SE18-1913; SE18-1871; SE18-1891; SE18-1911; SE18-1902; SE18-1903; SE18-1906; SE18-1905; SE18-1910; SE18-1918