



TOWN CLERK  
2019 FEB 13 AM 9:27  
TOWN OF DUXBURY  
DUXBURY, MASS.  
**Town of Duxbury  
Conservation Commission**

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2019 FEB 13 AM 9:27  
DUXBURY, MASS.

**Minutes of November 13, 2018**

The Conservation Commission met on Tuesday, November 13, 2018 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Sam Butcher; Acting Chair; Tom Gill; Mickey McGonagle; Holly Morris; Scott Zoltowski

**Members Absent:** Robb D'Ambruoso; Corey Wisneski

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

The meeting was called to order at 7:00 pm.

**PUBLIC HEARING; CALISTA; 315 KING CAESAR ROAD; PIER  
SE18-1836**

Paul Brogna of Seacoast Engineering was present. He understands the Commission wants to hire a peer reviewer for this project. Joe Grady said a price proposal will be solicited and will be brought to the next meeting.

On a motion by Holly Morris, seconded by Tom Gill, it was voted 5-0 to continue the hearing for SE18-1836 until December 4, 2018 at 7:16 pm.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 274 MARSHALL  
STREET; SEAWALL  
SE18-1824**

This project will be discussed with projects SE18-1822, 262 Marshall Street and SE18-1835, 246 Marshall Street, below.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 262 MARSHALL  
STREET; SEAWALL  
SE18-1822**

This project will be discussed with projects SE18-1824, 274 Marshall Street and SE18-1835, 246 Marshall Street, below.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 246 MARSHALL  
STREET; SEAWALL  
SE18-1835**

Freeman Boynton Jr. said a site visit was conducted. There is a line on the plan in red showing the toe of the beach. Before any work begins, flags will be placed on the beach marking the location of the toe of the wall and Joe Grady will review the locations of the flags.

At 246 Marshall Street, there will be a small section of wall that will tie in to the neighboring seawall. The original proposal was to end the wall 10' short of the lot line; if the neighbor to the south puts in a wall Mr. Boynton wanted to know whether the Commission would require him to file a NOI for the 10 feet on this property. Joe Grady said these orders can extend to the property line. Scott Zoltowski said the conditions in that 10' section could change by the time the next project is done, so an Order should be included in the Orders of Conditions requiring the filing of a new Notice of Intent if there are any changes from the current proposal when that 10' section is built. This Order should be included in the Orders of Conditions for 274 Marshall Street only.

SE18-1824; 274 Marshall Street: the quorum for this hearing is Sam Butcher, Mickey McGonagle, Holly Morris and Scott Zoltowski. On a motion by Mickey McGonagle, seconded by Holly Morris, it was voted 4-0 to write Orders of Conditions for SE18-1824 to include an order about the last 10' of the wall.

SE18-1823; 262 Marshall Street: the quorum for this hearing is Sam Butcher, Mickey McGonagle, Holly Morris and Scott Zoltowski. On a motion by Scott Zoltowski, seconded by Mickey McGonagle, it was voted 4-0 to write Orders of Conditions for SE18-1823.

SE18-1835, 246 Marshall Street: On a motion by Tom Gill, seconded by Holly Morris, it was voted 5-0 to write Orders of Conditions for SE18-1835.

**CONTINUED PUBLIC HEARING; DUCKS BERRY LLC; DOGWOOD DRIVE LOT H; SINGLE FAMILY HOME**

**SE18-1828**

This hearing will be continued at the request of the applicant.

On a motion by Scott Zoltowski, seconded by Holly Morris, it was voted 5-0 to continue the hearing for SE18-1828 until December 4 at 7:20 pm.

**CONTINUED PUBLIC HEARING; DUCKS BERRY LLC; DOGWOOD DRIVE LOT J; SINGLE FAMILY HOME**

**SE18-1829**

This hearing will be continued at the request of the applicant.

On a motion by Holly Morris, seconded by Scott Zoltowski, it was voted 5-0 to continue the hearing for SE18-1829 until December 4 at 7:25 pm.

**PUBLIC HEARING; TOWN OF DUXBURY; LOWER CHANDLER MILL POND; AQUATIC MANAGEMENT**

**SE18-1840**

Dominique Maringolo of Solitude Lake Management described the project which is to continue an aquatic management program at Lower Chandler Mill Pond. Eighty percent of the pond is covered with milfoil and fanwort. The pond is treated every 4-5 years and was last done in 2013 with successful results

The proposed work for 2019 will use the same herbicides as before, and there will be multiple applications beginning in April or May. Joe Grady said he has worked with the company since

2006. This is a very shallow pond and has been treated 5 times. Money is appropriated at both the Pembroke and Duxbury Town Meetings to pay for the aquatic management.

Mickey McGonagle asked about the cost of yearly treatment versus this periodic treatment. Ms. Maringolo said the benefit of annual management is that it is easier to maintain good conditions but it is more costly. Scott Zoltowski asked how many other ponds in town are treated this way and Joe Grady said no other ponds are treated.

Shannon Bloodgood of 232 Lake Shore Drive asked to be provided a list of the herbicides to be used.

On a motion by Tom Gill, second by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1840.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 15 FRANKLIN STREET; POOL  
SE18-1842**

Freeman Boynton Jr. of Duxbury Construction described the project. The pool is 63.4' from the edge of the resource area. There is a 4' wide deck on 2 sides and a 6.5' deck on the end near the house. Access will be along the left of the garage, the grade will be change to allow the trucks to access the property and after the project the grade will be restored. The pool will be installed first and then coverage will be calculated before the deck is installed to ensure compliance with the coverage limits. There will be 14.9% coverage.

Mr. Boynton was asked if trees will be removed and he said yes, trees will be taken down.

On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1842, 15 Franklin Street.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 172 CHURCH STREET;  
DEMOLISH & RECONSTRUCT PART OF A SINGLE FAMILY HOME  
SE18-1839**

This project was presented at the last meeting and was continued because there was no DEP number assigned. The number has now been assigned.

On a motion by Mickey McGonagle, seconded by Holly Morris, it was voted 5-0 to write Orders of Conditions for SE18-1839, 172 Church Street.

**CONTINUED PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 675 BAY ROAD;  
EXTEND A SEAWALL  
SE18-1833**

An updated plan was received as requested and the changes to the resource areas that were recommended were included. Also as requested, beach nourishment is now included as part of the project.

On a motion by Holly Morris, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1833.

## **ADMINISTRATIVE MATTERS**

### **Certificates of Compliance:**

**SE18-473; 440 West Street:** Joe Grady said he has inspected the project, all required documentation has been received, the project complies with the Orders of Conditions, and he recommends Certificates of Compliance be issued for this project. On a motion by Scott Zoltowski, seconded by Holly Morris, the Commission voted 5-0 to issue Certificates of Compliance for SE18-473, 440 West Street.

**SE18-1132; Pratt Circle:** Joe Grady said he has inspected the project, all required documentation has been received, the project complies with the Orders of Conditions, and he recommends Certificates of Compliance be issued for this project. On a motion by Holly Morris, seconded by Scott Zoltowski, the Commission voted 5-0 to issue Certificates of Compliance for SE18-1132, Pratt Circle.

**SE18-1309, 95 Hornbeam Road:** Joe Grady said he has inspected the project, all required documentation has been received, the project complies with the Orders of Conditions, and he recommends Certificates of Compliance be issued for this project. On a motion by Scott Zoltowski, seconded by Holly Morris, the Commission voted 5-0 to issue Certificates of Compliance for SE18-1309, 95 Hornbeam Road.

**SE18-1594, 397 Washington Street:** Joe Grady said this was a dredging project that was never done, and the Certificates of Compliance will state that. On a motion by Tom Gill, seconded by Holly Morris, the Commission voted 5-0 to issue Certificates of Compliance for SE18-1594, 397 Washington Street, stating the project was never completed.

**SE18-1713, 344 Temple Street:** Joe Grady said he has inspected the project, all required documentation has been received, the project complies with the Orders of Conditions, and he recommends Certificates of Compliance be issued for this project. On a motion by Scott Zoltowski, seconded by Holly Morris, the Commission voted 5-0 to issue Certificates of Compliance for SE18-1713, 344 Temple Street.

### **Discussion: Certificates of Compliance for SE18-1664, 53 Ocean Road N.**

Joe Grady said that Donald Norris of 53 Ocean Road N previously addressed the Commission about his project. The deck is closer to the seawall than the plan showed and said the deck on the other side and the house itself are closer to the street than was permitted on the approved plan. Mr. Norris asked the Commission for relief but the Commission said the project must be brought into compliance with the Orders of Conditions for him to be able to get Certificates of Compliance. Joe Grady suggested he cut back the deck on the seawall size of the house; this was grandfathered at the dimension of the existing deck. The house was bumped out 2' and the deck on the street side is 4.4' longer than permitted. This side does comply with the rules and regulations because in this area there is no coverage limit; but there is no expansion allowed in the V zone where the deck close to the seawall is located. Joe Grady said the deck could be trimmed and perhaps Mr. Norris could include the other work in a request to amend the original project. After further discussion, the Committee's consensus was to advise Mr. Norris to file an amendment to the project to bring it into compliance with the regulations

**Request to revise Orders of Conditions; SE18-1826, 33 Freeman Place**

Scott Zoltowski recused himself from the discussion.

Freeman Boynton said they want to lift the house higher than originally proposed by raising it additional 2 feet. There will be no changes to the proposed grading, but the wall will also be raised 1 foot. This is a vertical wall. It will be tied in to an adjacent wall to the south and will slope down to the north. Holly Morris asked why a sloped wall can't be built and Mr. Boynton said the house would have to be moved back to do that.

On a motion by Tom Gill, seconded by Holly Morris, it was voted 4-0 to allow the proposed revisions to SE18-1826 under the existing Orders of Conditions.

**Adjournment:** On a motion by Tom Gill, seconded by Scott Zoltowski, it was voted 5-0 to adjourn the meeting at 8:05 pm.

**MATERIALS REVIEWED AT THE MEETING**

NOI applications for SE18-1836; SE18-1824; SE18-1822; SE18-1835; SE18-1840, SE18-1842; SE18-1839; SE18-1833; SE18-1826