

Approved January 5, 2021



## Town of Duxbury Conservation Commission

TOWN CLERK  
2021 JAN 11 AM 9:15  
DUXBURY, MASS.

### Minutes of November 17, 2020

The Duxbury Conservation Commission met on Tuesday, November 17, 2020 at 6:30 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

The meeting was called to order at 6:30 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.

#### **PUBLIC MEETING; DIAS; 37 MARGINAL ROAD; DECK**

No one was present for the Request for Determination. Joe Grady reported the project consists of a replacement deck the same size as the prior deck. The project is on a Barrier Beach, Land Subject to Coastal Storm Flowage, and Buffer to Salt Marsh. He recommended a Negative Determination.

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

#### **PUBLIC HEARING; SAVARD; EVERGREEN TERRACE LOT A; SINGLE FAMILY HOME SE18-1921**

Austin Chartier, MacKenzie Engineering represented to the applicant. Robb D'Ambruoso disclosed he has had previous business dealings with Mr. Chartier, but not on this project. Mr. Chartier presented the project for a single-family home, detention basin and grading on a steep site within 100 ft. of the wetland, a former cranberry bog. Joe Grady reported the project meets the Commission's Rules and Regulations. In answer to a question, owner Gerard Savard, stated the house footprint shown on the Plan of Record is a placeholder and the actual dwelling is likely to be different. Joe Grady stated modification to the plan will be required once the actual house

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footprint is determined. Sam Butcher expressed concern about erosion into the wetland and detention basin. He suggested signs be installed along the wetland line alerting future homeowners to the wetland location.

The 37 Marginal Road Public Meeting applicant, Mrs. Dias, called in to understand the meaning of a Negative Determination. Abutter, Tom Butler, 2 Ford Street asked questions regarding the site.

Corey Wisneski made a motion to write Orders of Conditions for SE18-1921 to include the requirement for wetland posts delineating the edge of wetland. Motion was seconded by Tom Gill. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; SAVARD; EVERGREEN TERRACE LOT B; SINGLE FAMILY HOME SE18-1922**

Austin Chartier, MacKenzie Engineering, represented to the applicant. He stated the project is similar to SE18-1921 with the exception that there is only grading within 100 ft. of the wetland. Joe Grady stated the project meets the Commission's Rules and Regulations and he recommends writing an Order of Conditions for the project.

Corey Wisneski made a motion to write Order of Conditions for SE18-1922. Motion was seconded by Holly Morris. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 38 BAY POND ROAD, GARAGE SE18-1926**

Freeman Boynton, Duxbury Construction LLC presented the project for construction of a garage within 100 ft. of a salt marsh. There will be no increase in impervious surface. To achieve this, existing asphalt paving will be removed and replaced with crushed stone equal to the footprint of the new garage. Joe Grady reported the project meets the Commission's Rules and Regulations and coverage requirements. He recommended writing an Order of Conditions once the Plan of Record coverage numbers have been corrected.

A motion was made by Sam Butcher, seconded by Scott Zoltowski to write Orders of Conditions for SE18-1926. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; FITZGERALD & O'BRYNE; 43 SOUTH STATION STREET; POOL SE18-1929**

Ian MacFarland of Grady Consulting presented the project for replacement of a pickle ball court with a swimming pool. Impervious site coverage will remain the same as the existing conditions. A silt sock will not be needed because site access will be away from the wetland. Joe Grady recommended writing Orders of Conditions.

Sam Butcher made a motion to write Orders of Conditions for SE18-1929, seconded by Tom Gill. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; ARCHIA, INC.; 8 PINE POINT ROAD; SINGLE FAMILY HOME  
SE18-1928**

Paul Morabita of Ross Engineering presented the project which consists of removing a house and shed and building a house on pilings on a Barrier Beach and Land Subject to Coastal Flowage. Lot coverage is slightly less than existing coverage. Joe Grady stated the applicant will need to submit foundation plans for approval prior to the house being constructed.

Sam Butcher made a motion, seconded by Holly Morris to write Orders of Conditions for SE18-1928. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

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

Freeman Boynton, Duxbury Construction LLC, provided background on the site. Riprap had been added as a temporary measure to stabilize the bank before the Covid-19 shutdown. Chinking stones are now scattered and the Commission is concerned they will migrate into Eagles Nest Bay. Mr. Boynton states he will remove the chinking stones including those beyond the property line. Ms Morris suggested indigenous plantings be added for stabilization. Plantings are proposed for 10 feet at top of the wall.

Sam Butcher made a motion to write Orders of Conditions including removal of the remaining chinking stones from the site. Motion was seconded by Scott Zoltowski. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 373 KING CAESAR ROAD; SINGLE  
FAMILY HOME AND POOL  
SE18-1930**

Freeman Boynton, Duxbury Construction, LLC presented the project to redesign the previously approved sea wall and single-family home. The house has been demolished and the sea wall and patio have been built. The proposal is now for a smaller house and pool. The Coastal Bank is been moved by the project. Joe Grady stated the Commission should schedule a site visit and said the wetland resource area needs to be identified and located before the Commission can permit the project.

A motion was made by Corey Wisnesski, seconded by Sam Butcher to continue the Public Hearing until January 5, 2021 at 7:15 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

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

Corey Wisneski made a motion, seconded by Sam Butcher to continue the Public Hearing for SE18-1906 to December 8, 2020 at 6:35 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 677 TEMPLE STREET; ADDITION  
AND LANDSCAPING  
SE18-1932**

Freeman Boynton, Duxbury Construction, LLC presented the project for an addition and landscaping to a single-family home. The project is 72 feet from the wetland resource area, a cranberry bog. The impervious surface on the site will be reduced from 10% to 8% by removing a section of asphalt driveway. Joe Grady stated the project meets the Commission's Rules and Regulations and he recommended writing Orders of Conditions.

A motion was made by Scott Zoltowski, seconded by Sam Butcher to write Orders of Conditions for project SE18-1932. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

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

Project information was not received in time for this Public Hearing. A motion was made by Corey Wisneski, seconded by Holly Morris to continue the Public Hearing until December 8, 2020 at 6:40 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

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

Freeman Boynton, Duxbury Construction, LLC. reported Stan Humphreys, Consultant to the applicant, found another person to submit information on the Coastal Bank vs Dune issue. Mr. Boynton suggested the Public Hearing be continued. Lenore White, consultant to the Commission was present. She stated the parties were "at loggerheads" and she would be interested in reviewing the new information. Joe Grady stated additional fees may be needed.

A motion was made by Holly Morris, seconded by Sam Butcher to continue the Public Hearing until January 5, 2021 at 7:25 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; HUSK; 160 MARSHALL STREET; COASTAL BANK REVETMENT AND PLANTINGS**

**SE18-1933**

Brad Holmes of ECR Consulting presented the project for soft and hard solutions to stabilize 200 ft. of eroding Coastal Bank on the west site of the site on Land Subject to Coastal Storm Flowage and Buffer to Salt Marsh and Tidal Flats. A site visit was proposed.

A motion was made by Sam Butcher, seconded by Tom Gill to continue the Public Hearing until January 5, 2021 at 7:20 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; OLIVA; 234 GURNET ROAD; DECK**

**SE18-1934**

Attorney Adam Brodski presented the project. Sam Butcher disclosed he has worked with Mr. Brodski in the past, but not on this project. Mr. Brodski stated Mr. and Mrs. Oliva are ardent environmentalists and are dismayed at having received an Enforcement Order. They have appealed the Enforcement Order but have no intention of pursuing litigation. They wish to permit the project. Joe Grady suggested the Commission hire a peer reviewer and the project presentation be saved for the continued Public Hearing. Chair, Ms. Wisneski allowed a very brief introduction from Mr. Brodski and he agreed to continue the hearing to January 5, 2021. Mr. Oliva spoke to the Commission of being "mortified" by the violation. They thought they were working within Duxbury rules. Joe Grady suggested the Commission hire Lenore White as a project peer reviewer.

A motion was made by Corey Wisneski, seconded by Sam Butcher to hire Lenore White to review the project. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0. A motion was made by Scott D'Ambruoso, seconded by Sam Butcher to continue the Public Hearing to January 5, 2021 at 7:10 p.m. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; SHEEHAN; 77 GURNET ROAD; DECK & RETAINING WALL**

**SE18-1931**

Michael McGovern of Stenbeck and Taylor Engineering presented the project for replacement and changes to a retaining wall and deck. No increase in impervious surface is proposed. The applicant also plans to remove an existing concrete retaining wall and replace it with a concrete block wall. Joe Grady stated the resource area impacted is a Barrier Beach and the project is in the Flood Zone. The project meets the Commission's Rules and Regulations and an Order of Conditions can be written.

A motion was made by Corey Wisneski, seconded by Sam Butcher to write Orders of Conditions for SE18-1931. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

## **ADMINISTRATIVE MATTERS**

**Approval of minutes:** Minutes of the October 27, 2020 were approved unanimously on a motion by Sam Butcher, seconded by Robb D'Ambruoso. Roll Call Vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

### **Certificates of Compliance:**

**SE18-1874; 44 River Lane:** Joe Grady recommended no Certificate of Compliance be issued at this time.

**SE18-1775; 1177 Tremont Street:** Joe Grady recommended no Certificate of Compliance not be issued at this time.

**SE18-1890; 160 Marshall Street:** Joe Grady recommended issuing a Certificate of Compliance. He reported the work is complete and meets the Order of Conditions. Sam Butcher made a motion, seconded by Holly Morris to issue the Certificate of Compliance for SE18-1890. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**SE18-1423; 45 Seabury Point Road:** Joe Grady recommended issuing a Certificate of Compliance. He reported the work is complete and meets the Order of Conditions. Sam Butcher made a motion, seconded by Holly Morris to issue a Certificate of Compliance for SE18 1423. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

### **Request for Modification: SE18-1828; Dogwood Drive, Lot H**

Applicant has submitted a minor project modification. Joe Grady reported the modification falls within the scope of the original Order of Conditions and does not require a refiling. Sam Butcher made a motion, seconded by Robb D'Ambruoso to accept the revision to Lot H, Dogwood Drive. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

### **New Business:**

Corey Wisneski stated she will contact Commissioners with a site visit date. Joe Grady announced his new Administrative Assistant, Catie Colliton will begin on November 30, 2020.

**Next meeting:** The next meeting of the Conservation Commission will be Tuesday, December 8, 2020.

**Adjournment:** A motion to adjourn the meeting at 8:20 p.m. was made by Scott Zoltowski, seconded by Sam Butcher. The motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**MATERIALS REVIEWED AT THE MEETING**

NOI Materials for SE18-1921; SE18-1922; SE18-1926; SE18-1929; SE18-1928; SE18-1902; SE18-1930; SE18-1906; SE18-1917; SE18-1932; SE18-1905; SE18-1991; SE18-1933; SE18-1934; SE18-1931

Request for Determination of Applicability for 37 Marginal Road

Request for Modifications for SE18-1828

Draft minutes of October 27, 2020