

Approved January 5, 2021

TOWN CLERK

2021 JAN 11 AM 9:16

DUXBURY, MASS.



Town of Duxbury Conservation Commission

Minutes of December 15, 2020

The Duxbury Conservation Commission met on Tuesday, December 15, 2020 at 6:30 p.m 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

The meeting was called to order at 6:30 p.m.

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; ROMANO; 365 KING CAESAR ROAD; PIER SE18-1906

Applicant requested a continuation of the Public Hearing. A motion was made by Tom Gill, seconded by Holly Morris to continue the Public Hearing to January 5, 2021 at 7:30 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

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

Freeman Boynton, Duxbury Construction, LLC, presented further details of the seasonal pier including benefits to the salt marsh of the helical piles and removable gangway which will be located 28 inches above the salt marsh and will end before the salt marsh edge. This type of system does not require a Chapter 91 license. Lenore White, Consultant to the Conservation Commission, was satisfied with the low impact of the pier's design as well as the ability of pedestrians to walk past the pier. Vehicular access is also possible if necessary. The applicant, Meredith Murphy, agreed to the seasonal pier being in place from May 15 to October 15 and off-season pier storage at an upland area outside the 100-foot Buffer Zone. Both MA DEP and the U.S. Army Corps approved the design. Joe Grady stated the seasonal pier meets the

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performance standards of the MA Wetlands Protection Act as well as the Duxbury Wetland Bylaw.

A motion was made by Sam Butcher, seconded by Tom Gill to write an Order of Conditions for the project including adding the in-use dates of May 15 to October 15 and storage outside the Buffer Zone. 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 MEETING; STAMES; 7 SEABURY POINT ROAD; REPLACE PAVED DRIVEWAY WITH GRAVEL DRIVEWAY

Deb Keller, Merrill Engineering, presented the project for owner, Peter Stames. A land swap between 7 Seabury Point Road and 455 Bay Road has resulted in the need to remove impervious surface from 7 Seabury Point Road. Joe Grady recommended a Negative Determination, providing a stamped As-Built plan be submitted to the Commission prior to the construction of the guest house at 455 Bay Road.

A motion was made by Sam Butcher, seconded by Tom Gill to issue a Negative Determination with the condition a stamped As-Built plan be submitted prior to construction. 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; STAMES/ARCHIA HOMES; 455 BAY ROAD; GUEST HOUSE SE18-1935

Deb Keller, Merrill Engineering, presented the project for construction of a guest house on eight open piers within the newly acquired "notched land area" at 455 Bay Road. The guest house is within the Buffer Zone of two small on-site ponds. Joe Grady stated the project meets the Commission's Rules and Regulations. Sam Butcher asked about utilities and sewage flow from the guest house.

A motion was made by Sam Butcher, seconded by Holly Morris to write an Order of Conditions for SE18-1935. 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; MINOT CONSTRUCTION, 246 GURNET ROAD; SINGLE FAMILY HOME SE18-1939

Richard Burchill, Cavanaro Consulting, presented the project for owner, Jennifer Hamel. The lot is currently non-conforming. It was stated that following razing and construction of a new home on concrete piers according to FEMA guidelines, the lot will be less non-conforming. The project is within Land Subject to Coastal Storm Flowage and a Barrier Beach. Joe Grady stated the project meets the Rules and Regulations of the MA Wetlands Protection Act and the Duxbury Wetland Bylaw.

A motion was made by Sam Butcher, seconded by Tom Gill to write an Order of Conditions for SE18-1939. 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; 187 KING CAESAR ROAD; SINGLE FAMILY HOME
SE18-1936**

Freeman Boynton, Duxbury Construction, LLC, presented the project for owner, Chris Seeley, who was present. Project consists of demolition and reconstruction of a home and its associated grading and landscaping within the Buffer Zone of Duxbury Bay. The entire lot will be regraded prior to construction of the home. Discussion followed on patio tile sizes and grading toward neighbors on both sides. Abutter, Mike Quinlan stated he had met with Mr. Boynton and his understanding was no surface runoff would enter his property. Mr. Boynton confirmed the statement.

A motion was made by Sam Butcher seconded by Tom Gill to write an Order of Conditions for project SE18-1936. 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; BANNER CONSTRUCTION CO. INC; 761 TEMPLE STREET; ANRAD
SE18-1871**

Applicant requested a continuation of the Public Hearing to June 2021. A motion was made by Sam Butcher, seconded by Scott Zoltowski, to continue the Public Hearing for SE18-1871 to June 8, 2021 at 7:05 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; STENBECK & TAYLOR; 0 MAYFLOWER STREET; SINGLE FAMILY HOME & SEPTIC SYSTEM
SE18-1911**

Applicant requested a continuation of the Public Hearing to January 26, 2021. A motion was made by Holly Morris, seconded by Sam Butcher to continue the Public Hearing for SE18-1911 to January 26, 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.

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

Robb D'Ambruoso recused himself from the project discussion. Freeman Boynton, Duxbury Construction, LLC, opened the discussion by questioning how to proceed. Holly Morris and Mickey McGonagle expressed serious concern about the project on a Coastal Bank being changed without Conservation Commission approval. Extended discussion followed on the top of the Coastal Bank's location. Owner, Erik Pontiff, stated the Coastal Bank is now stabilized and destabilizing it to correct the problem will cause serious erosion problems. He also stated no

work was proposed at this time. Sam Butcher suggested an after-the-fact Notice of Intent might solve the problem. The top of the Coastal Bank can be redrawn in the correct location thereby placing the patio outside the Resource Area. It was agreed this solution might work. Sam Butcher offered to work with Joe Grady on the solution.

A motion was made by Holly Morris, seconded by Sam Butcher to continue the Public Hearing for SE18-1910 until January 26, 2021 at 7:30 p.m. The motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes.
Motion carried 6 to 0.

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

Applicant has requested a continuation of the Public Hearing to January 2021. A motion was made by Holly Morris, seconded by Sam Butcher, to continue the Public Hearing for SE18-1918 to January 26, 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; LARKIN, TTE; 10 PINE POINT PLACE; SINGLE FAMILY HOME & GARAGE
SE18-1917**

Applicant has requested a continuation of the Public Hearing to January 2021. A motion was made by Sam Butcher, seconded by Tom Gill to continue the Public Hearing for SE18-1917 to January 26, 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.

**CONTINUED PUBLIC HEARING; CADIGAN; 380 CHURCH STREET; POOL & PATIO
SE18-1920**

Joe Grady presented the project for owner, Jill Cadigan, who was present. The project consists of construction of a pool and surrounding patio within the Buffer Zone of a Pond. Joe Grady reported the plans have been revised several times and are now showing 14.93% impervious coverage within the Buffer Zone (15% is the maximum allowed). Tom Gill stated he would like to see a new plan before voting on the project. Commissioners suggested Ms. Cadigan remove at least two of the existing sheds within the Buffer Zone to bring the percentage of impervious coverage closer to the existing 12%. Ms. Cadigan agreed.

A motion was made by Sam Butcher, seconded by Robb D'Ambruoso, to write an Order of Conditions for SE18-1920 stating site coverage will not exceed 15% and an engineer's stamped plan showing the changes will be submitted to the Conservation Office prior to the start of construction. The motion passed on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Tom Gill abstained. Motion carried 6 to 1 abstention.

PUBLIC HEARING; TOWN OF DUXBURY DPW; POWDER POINT BRIDGE; REPAIRS TO WOOD PILES

SE18-1937

Dwight Dunk, Epsilon Associates, introduced other project participants and presented the project via a PowerPoint presentation. The project consists of replacing the Powder Point Bridge damaged pilings. Resource Areas affected include: Coastal Bank, Barrier Beach, Salt Marsh, Land Under Ocean and Land containing Shellfish. The work area is also within Estimated Habitat of Rare Species, MA Division of Marine Fisheries (DMF) and MA Natural Heritage and Endangered Species Program (NHESP) have been notified. Mr. Dunk presented a history of previous failed repairs. He stated repairs in Type 1-4 of his chart will have no direct alteration to a resource area. Type 5 repairs (driving new piles) require alterations to the harbor bottom, Buffer Zone to a Coastal Beach, Coastal Dune, Coastal Bank and Salt Marsh. There will be no effect on navigation or water circulation. New sister piles will be added to each damaged pile with minimal bottom alteration. Twenty (20) piles require sistering of forty (40) new piles. MA DMF has required work barges be kept away from the salt marsh and NHESP has required no work to be done between April 1 and August 31. The applicant has asked for "some relief" from the time period. Rosalind Imbaro, Simpson, Gumpertz & Heger Inc., stated they expect to complete the project in 2021. At times during construction, bridge traffic will be restricted to one lane. The west end parking lot will be used as the construction staging area. Joe Grady requested the Orders of Conditions be included in the project Construction Notes in order for them to be included in daily work orders. Joe Grady also stated emphatically that it is necessary to secure the upland construction area at the end of each work day. Wind and waves are extreme in the area and construction debris blowing onto the tidal flats, dunes and Endangered Species habitat is not easily cleaned up. Joe Grady recommended an Order of Conditions be written.

A motion was made by Sam Butcher, seconded by Holly Morris, to write an Order of Conditions that included the Orders being incorporated in the project Construction Notes, the site being secured at the end of each work day, and the NHESP Orders be included in the Order of Conditions. 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; OBEY; 65 OCEAN ROAD NORTH; RAZE & REBUILD SINGLE FAMILY HOME ON OPEN PILE FOUNDATION

SE18- 1942

Paul Seaberg, Grady Consulting, presented the project located within Land Subject to Coastal Storm Flowage and a Barrier Beach. Project is to demolish and reconstruct a home. Joe Grady reported that although the plans show a proposed deck in the Velocity Zone, there is no deck at the house or on the Assessors sheets. There are pallets on the ground, but not a deck. A deck in the Velocity Zone does not meet performance standards of the MA Wetlands Protection Act or the Duxbury Wetland Bylaw. Joe Grady recommended the Public Hearing be continued and the deck be removed from the plans.

A motion was made by Tom Gill, seconded by Sam Butcher, to continue the Public Hearing to January 26, 2021 at 7:25 p.m. when revised plans will be submitted. 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; 46 BEAVERBROOK LANE;
REPLACE SLUICeway WITH CULVERT AND INLET STRUCTURE
SE18-1941**

Freeman Boynton, Duxbury Construction, LLC, representing owner, Drew Strawbridge, presented the project for removal of the decayed sluiceway and replacement with a H.D.P.E. plastic culvert. Non-anadromous fish swim upstream in the spring to spawn. Freeman Boynton had requested advice from Paul Caruso, previously of DMF, and Brad Chase, scientists familiar with the site and its habitat. They stated the fish will swim upstream through the culvert when the tide is high and the water is level and boards at the culvert head wall should be removed from March 1st to May 31st for spawning. Joe Grady stated Paul Caruso and Brad Chase are also his consultants on anadromous fish and he has great confidence in their work. Joe Grady stated the project meets the MA Wetlands Protection Act and the Duxbury Wetlands Bylaw and an Order of Conditions could be written.

A motion was made by Holly Morris, seconded by Sam Butcher, to write an Order of Conditions for sluiceway replacement with a new H.D.P.E. culvert and inlet structure at the 46 Beaverbrook Lane pond. 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: No Minutes were presented for approval.

Fee for Plan Modifications: Joe Grady introduced the topic of requesting additional fees for plan modifications with the goal of receiving finished plans with Notice of Intent submissions. The Commission agreed they should move forward with the idea.

Note: This matter was discussed at the beginning of the meeting.

Update submission procedures: Joe Grady requested the Commission clarify what constitutes "minor revisions" and "supplemental materials" for project submissions. Commissioners agreed to follow up on the request.

Precedents and Non-compliance with Original Plans: Mickey McGonagle requested the Commission establish a policy regarding noncompliance with Plans of Record and publish the policy online. Commissioners agreed to work on such a policy once the current workload has been reduced.

Certificates of Compliance:

SE18-1641; 7 Seabury Point Road: Joe Grady recommended a Certificate of Compliance be issued for SE18-1641. He has inspected the site and found it in compliance with the Order of Conditions. A motion was made by Holly Morris, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1641. 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.

Note: This certificate of compliance was voted on prior to the public meeting for 7 Seabury Point Road and public hearing for 455 Bay Road, which are related projects.

SE18-1691; 455 Bay Road: Joe Grady recommended a Certificate of Compliance be issued for SE18-1691. He has inspected the site and found it in compliance with the Order of Conditions. A motion was made by Scott Zoltowski, seconded by Holly Morris, to issue a Certificate of Compliance for SE18-1691. 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.

Note: This certificate of compliance was voted on prior to the public meeting for 7 Seabury Point Road and public hearing for 455 Bay Road, which are related projects.

SE18-1560; 184 Marshall Street: Robb D'Ambruoso recused himself from the project discussion. The Commissioners have visited the site. Joe Grady stated the finished project does not comply with the Plan of Record. A motion was made by Tom Gill, seconded by Holly Morris to deny the SE18-1560 Certificate of Compliance. The motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Note: This certificate of compliance was voted on prior to the public hearing for 184 Marshall Street, which are related projects.

SE18-1880; 373 King Caesar Road: Freeman Boynton requested the vote be postponed. He believes a new plan will be submitted.

SE18-1421; 261 Crescent Street: Joe Grady recommended a Certificate of Compliance be issued for SE18-1421. He has inspected the site and found it to be in compliance with the Order of Conditions. Holly Morris made a motion, seconded by Scott Zoltowski to issue a Certificate of Compliance for SE18-1421. 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.

SE18-0989; 62 Powder Point Avenue: Joe Grady recommended a Certificate of Compliance be issued for SE18-0989. He has inspected the site and found it to be in compliance with the Order of Conditions. Holly Morris made a motion, seconded by Scott Zoltowski, to issue a Certificate of Compliance for SE18-0989. 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.

SE18-1874; 44 River Lane: Joe Grady recommended a Certificate of Compliance be issued for SE18-1874. He has inspected the site and found it to be in compliance with the Order of Conditions. Holly Morris made a motion, seconded by Scott Zoltowski, to issue a Certificate of Compliance for SE18-1874. 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.

Affirmation of Enforcement Order: 221 Standish Street

Joe Grady issued an Enforcement Order to the owner of 221 Standish Street. This is the second Enforcement Order issued to the same owner for a second violation. Sam Butcher made a motion, seconded by Tom Gill, to affirm the Enforcement Order for 221 Standish Street. 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.

Next meeting: The next meeting of the Conservation Commission will be Tuesday, January 5, 2021.

Adjournment: A motion to adjourn the meeting at 9:45 p.m. 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 SE18-1906; SE18-1905; SE18-1935; SE18-1939; SE18-1936; SE18-1911; SE18-1910; SE18-1918; SE18-1917; SE18-1920; SE18-1937; SE18-1942; SE18-1941
Request for Determination of Applicability for 7 Seabury Point Road
Abbreviated Notice of Resource Area Delineation for SE18-1871
Draft minutes of November 17, 2020; December 15, 2020