



Approved March 29, 2022

# Town of Duxbury Conservation Commission

TOWN CLERK

2022 MAY 20 PM 12:16

Minutes of March 8, 2022

DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, March 8, 2022 at 7:00 p.m. via remote Zoom videoconferencing.

**Members Present:** Robb D'Ambruoso, Chair; Sam Butcher; Mickey McGonagle; Holly Morris and Corey Wisneski.

**Members Absent:** Tom Gill and Scott Zoltowski

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:05 p.m.

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. For this meeting, members of the public who wish to watch the meeting may do so by following the Zoom meeting links.

Roll call vote of members present: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes.

## **PUBLIC HEARING, CHENEY/SEACOAST ENGINEERING; 59 BEECHWOOD LANE; POOL SE18-1991**

Chair, Robb D'Ambruoso read the Legal Notice for the SE18-1991 Public Hearing. Paul Brogna, Seacoast Engineering, representing owners Mr. and Mrs. Cheney, introduced Wetland Scientist, Brad Holmes, ECR Inc. and described the project which includes construction of a pool and pool house within 100 ft. of a wetland. The pool is 53 ft. from the wetland edge and 15 ft. from the lot line. Lot coverage is very tight. Coverage has been reduced from 28.9% to 28.7%. Joe Grady commented that the pool meets the setbacks, the pool house will be constructed on sonar tubes and the patio has been reduced to enable the project to comply with the allowed lot coverage.

Sam Butcher made a motion, seconded by Holly Morris to close the Public Hearing and write an Order of Conditions for SE18-1991. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

## **PUBLIC HEARING, NEELON/SEACOAST ENGINEERING; 146 GURNET ROAD; RAZE/CONSTRUCT NEW SINGLE-FAMILY HOME SE18-1992**

Robb D'Ambruoso read the Legal Notice for SE18-1992. Paul Brogna, Seacoast Engineering and Brad Holmes, ECR Inc. represented John Neelon, owner of the property. Robb D'Ambruoso stated discussion would be limited because Joe Grady is recommending the Commission hire Lenore

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White, Wetland Strategies, Inc, to perform a peer review of the project. Mr. Grady recommended the Public Hearing be continued until April 12, 2022 at 7:05 p.m.

Sam Butcher made a motion, seconded by Mickey McGonagle to continue the Public Hearing for SE18-1992 until April 12, 2022 at 7:05 P.m. and to hire Lenore White, Wetland Strategies, Inc. to perform a peer review of the project. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**PUBLIC HEARING, WHITE/SEACOAST ENGINEERING; 35 WINSOR STREET; PIER  
SE18-1993**

Robb D'Ambruoso read the Legal Notice for SE18-1993. Paul Brogna, Seacoast Engineering and Brad Holmes, ECR Inc. represented John and Kathy White, owners of the property. Brad Holmes identified the Resource Areas as a Coastal Beach and Saltmarsh. This hearing is step one of a multi-step process toward acquiring a Federal Chapter 91 license for the pier. The total length of the pier, gangway and float will be 115 ft. and will extend 2 ft. beyond the saltmarsh edge. Joe Grady stated the pier meets the Commission's Rules and Regulations, he agrees with the wetland delineation and although the Duxbury Regulations prohibit CCAs, the Regulations should be revised because CCAs are considered to be the preferred pier material. Corey Wisneski noted the project shows pilings at the edge of the saltmarsh which could cause permanent damage to the saltmarsh. Joe Grady suggested the Order of Conditions require adjustment to the pilings to avoid damage to the saltmarsh edge. Neighbor, Darren Humphrey (22 Winsor Street), voiced concerns about the pier's location in relationship to existing moorings and to the adjacent landing.

Corey Wisneski made a motion, seconded by Sam Butcher, to close the Public Hearing and write an Order of Conditions for SE18-1993 with a condition the pilings be adjusted to avoid being located at the saltmarsh edge and to waive the prohibition of CCA materials. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**PUBLIC HEARING; DANIELS/ GRADY CONSULTING; 2 SHANTUM LANE; POOL  
DUX2022-01 (LOCAL WETLAND BYLAW ONLY)**

Robb D'Ambruoso read the Legal Notice for Dux2022-01. The project only has jurisdiction under the Duxbury Local Wetland Bylaw because it is an isolated wetland on the side of Captain's Hill. Water from a spring runs down the side of Captain's Hill onto Crescent Street, Standish Street and onto the Stookey Overlook Conservation land. Robb D'Ambruoso stated discussion would be limited at this time because Joe Grady is recommending the Commission hire Lenore White, Wetland Strategies, Inc, to determine the wetland line. Abutter, Glenn Cederberg (263 Crescent Ave), expressed concern about impacts to his property from the project. Mr. Grady recommended the Public Hearing be continued until April 12, 2022 at 7:15 p.m.

Sam Butcher made a motion, seconded by Corey Wisneski, to hire Lenore White, Wetland Strategies, Inc. to determine the wetland line for Dux2022-01. Motion passed on a roll call vote: Sam



Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**PUBLIC HEARING; FAWCETT /DUXBURY CONSTRUCTION; 363 WASHINGTON STREET; PIER SE18-1997**

Robb D'Ambruoso read the Legal Notice for SE18-1997. Freeman Boynton, Duxbury Construction, LLC presented the project for owner, Rob Fawcett, who was present. The project consists of removing the ramp to the pier, extending the existing pier landward and reinstalling the ramp. Mr. Boynton showed aerial and photographic views of the property. Holly Morris asked about public access around the pier. The new ramp location will allow for the public to walk around the pier. Paul Brogna gave a brief history of the site.

Holly Morris made a motion, seconded by Corey Wisneski, to close the Public Hearing and write an Order of Conditions for SE18-1997. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**PUBLIC HEARING; FAWCETT/ DUXBURY CONSTRUCTION; 363 WASHINGTON STREET; REPAIR SEAWALL, RAISE GRADE, REMOVE OLD SEAWALL SE18-1998**

Robb D'Ambruoso read the Legal Notice for SE18-1998. Freeman Boynton, Duxbury Construction, LLC presented the project for owner, Rob Fawcett, who was present. The project consists of removing the existing seawall, removing large stones from the saltmarsh, regrading and raising the grade behind the seawall, installing filter fabric and rebuilding the seawall with existing stones. Joe Grady cautioned them to be careful of the saltmarsh when removing the large stones. The least disruptive machine access to the site was discussed. In answer to Corey Wisneski's question about where the new seawall ends, Mr. Boynton stated the abutters will be filling their property to match this project. Joe Grady stated there should be a planting strip between the lawn and the seawall to prevent chemical fertilizers from entering the Resource Areas. A planting plan with native plantings will be required. Neighbor, Darren Humphrey (22 Winsor Street) asked about the seawall's ability to absorb wave energy. The change from the current vertical wall to a sloping wall with large rocks will help to absorb the wave energy.

Sam Butcher made a motion, seconded by Holly Morris to close the Public Hearing and write an Order of Conditions for SE18-1998. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**PUBLIC MEETING; FOOTE/DUXBURY CONSTRUCTION; 32 WINSOR STREET; REPAIR WOODEN RETAINING WALL**

Robb D'Ambruoso read the Legal Notice for the Request for Determination Public Meeting. Freeman Boynton, Duxbury Construction, LLC., representing the owners, stated the Footes were concerned about the abutter's wall. There is an existing wooden seawall on the Foote's property built approximately 15 years ago. This project consists of driving wooden piles behind the existing

wooden wall and adding one 6" timber to the top. They then plan to raise the yard and driveway behind the wall an additional 6 inches, allowing water to flow off the yard and onto the beach and into the bay.

Holly Morris made a motion, seconded by Sam Butcher, to close the Public Meeting and issue a Negative Determination for 32 Winsor Street. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

#### **ADMINISTRATIVE MATTERS**

- **Minutes for Approval: Regular Session, February 15, 2022.** Sam Butcher made a motion, seconded by Corey Wisneski, to approve the Regular Session minutes of February 15, 2022. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

#### **Certificates of Compliance:**

- **SE18-1968: Gibbons/Morse Engineering; 35 Halls Brook Way; Septic System.** Joe Grady stated the project is complete and meets the Commission's Rule and Regulations, he has inspected the site and recommends issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher to issue a Certificate of Compliance for SE18-1968. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

- **SE18-1921: Savard/McKenzie Engineering; 5 Evergreen Terrace; Single Family Home (Partial)** Joe Grady stated he has inspected the site; he has an As-Built Plan and the work to date complies with the Order of Conditions. Plantings are not yet complete. He recommends issuing a partial Certificate of Compliance

Holly Morris made a motion, seconded by Sam Butcher, to issue a partial Certificate of Compliance for SE18-1921. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**Conservation Fund Expenditures:** Joe Grady reported Representative, Josh Cutler secured \$40,000 for a Bay Farm boardwalk and \$15,000 for a wildlife camera to be installed at the Train Field Osprey nest. Because the funds will be slow in arriving, Mr. Grady requested approval to borrow Conservation Fund monies to move the projects forward then reimburse the Conservation Fund when the grant money arrives from the Commonwealth.

Sam Butcher made a motion, seconded by Holly Morris, to approve expending Conservation Fund monies for the two projects with the Conservation Fund to be reimburse when grant monies arrive



from the Commonwealth. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**Five-year Conservation Commission Plan:** In light of the Conservation Administrator's pending retirement, Robb D'Ambruoso, Holly Morris, Sam Butcher and Joe Grady updated the previous Five-year Conservation Commission Strategic Plan. The Commission reviewed the Plan item by item, adding further updates. The final version of the Plan will be distributed to Commission members for approval at the next Conservation Commission meeting. Town Manager, René Reed, will be invited to the April 12, 2022 Commission meeting at 7:00 p.m. for discussion of the Plan.

**ADJOURNMENT:** Corey Wisneski made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 9:20 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

**The next Conservation Commission meeting is scheduled for Tuesday, March 29, 2022 at 7:00 p.m.**