



Approved April 11, 2023

Town of Duxbury Conservation Commission

TOWN CLERK
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DUXBURY, MASS.

Minutes of March 28, 2023

The Duxbury Conservation Commission met in the Town Hall Mural Room on Tuesday, March 28, 2023 at 7:00 p.m.

Meeting was called to order by Vice-Chair, Scott Zoltowski at 7:01 p.m.

Members Present: Sam Butcher, Tom Gill, Mickey McGonagle, Holly Morris, Corey Wisneski, and Scott Zoltowski.

Members Absent: Chair, Robb D'Ambruoso.

Staff Present: Nancy Rufo, Conservation Administrator and Pat Loring, Volunteer

**CONTINUED PUBLIC HEARING: Kramer/Merrill Engineers; Notice of Intent, 80 South River Lane West; home addition, deck, and garage.
SE18-2024**

Tom Pozerski, Merrill Engineers & Land Surveyors, presented a new plan which included adjustments requested by the Commission incorporating an open-pile foundation into the project. Mr. Pozerski was thanked for his patience and cooperation.

Sam Butcher made a motion, seconded by Corey Wisneski, to close the Public Hearing and write an Order of Conditions for SE18-2024 referencing the new plan. Motion passed unanimously 6 to 0.

**PUBLIC HEARING: Town of Duxbury Public Works Department; Notice of Intent; Construction of Duxbury Seawall Phase II, III, IV.
SE18-0000 (DEP File # Pending)**

Corey Wisneski, a Duxbury Beach Reservation Board Member, recused herself from the discussion. Scott Zoltowski, read the Legal Notice for the Duxbury Public Works Department seawall project. He stated a DEP file number had not yet been received and the Public Hearing would therefore be continued to April 11, 2023 at 7:04pm.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the Duxbury DPW seawall project Public Hearing to April 11, 2023 at 7:04 p.m. Motion passed 5 to 0 with 1 recusal (Corey Wisneski).

**CONTINUED PUBLIC HEARING: Rizzo/Grady Consulting; Notice of Intent, 605 Franklin Street; construction of an addition with associated deck, steps, and porch.
SE18-2032**

The applicant has withdrawn the filing after moving the project entirely outside the Buffer Zone. The project no longer requires an Order of Conditions.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and accept the applicant's withdrawal. Motion passed unanimously 6 to 0.

**CONTINUED PUBLIC HEARING: Perry Phillips Woods LLC/McKenzie Engineering; Notice of Intent, 0 Keene Street/Parkside development; stormwater basins.
SE18-2028**

Peer Reviewer, Lenore White, Wetland Strategies, Inc. has not yet completed her review of the project, therefore the Public Hearing will be continued. A quorum discussion followed.

Tom Gill made a motion, seconded by Sam Butcher, to continue the Public Hearing to April 11, 2023 at 7:05 p.m. Motion passed unanimously 6 to 0.

PUBLIC MEETING: Larkin/Seacoast Engineering; Request for Determination of Applicability, 3 Pine Point Place; raze garage, concrete and driveway.

Scott Zoltowski recused himself from the discussion. Corey Wisneski, chairing the Public Meeting, read the Public Meeting Legal Notice. Paul Brogna, Seacoast Engineering, presented the project for the applicants. The project consists of removing a garage, breezeway, driveway and two trees, all destroyed by fire in December 2022. This filing is a demolition project only; no construction is planned at this time. Brad Holmes, ECR, identified the onsite Wetland Resource Areas as: a 100-foot buffer zone to a Saltmarsh, a Barrier Beach, and Land Subject to Coastal Storm Flowage.

Conservation Administrator, Nancy Rufo visited the site and recommended a Negative Determination.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Meeting and issue a Negative Determination for the project at 3 Pine Point Place. Motion passed 5 to 0 with 1 recusal (Scott Zoltowski).

**CONTINUED PUBLIC HEARING: Heythaler/Stenbeck & Taylor; Notice of Intent, 24 Grand View Ave; two additions to existing house.
SE18-2031**

Richard Sevant, Stenbeck & Taylor Engineers, presented the project for the landowners. The property is surrounded by a BVW, making the entire property in the Buffer Zone. Site coverage is currently 26.8%, well over the 15% allowed. The proposed project consists of two additions to the house. For the coverage to remain the same or be reduced, the applicant proposes to remove current pavement which will reduce the site coverage to 20%. The project is planned in two phases: first an addition to the house and later removal of the existing garage and driveway. Also, to be added is a pervious patio and a reconfigured entrance. The site coverage reduction will happen when the driveway is removed.

Nancy Rufo visited the site with Joe Grady and they agree with the wetland lines and project as presented.

Sam Butcher asked that the Limit of Work line be defined and shown on the Plan of Record. It was agreed that the Limit of Work be defined by the stockade fence, 20 ft off the south side of the house and 5 ft off the paved driveway. Discussion followed on site coverage. It was agreed the driveway must be removed to reduce the site coverage no later than six months after completion and a Certificate of Occupancy for the first addition. Also, before work begins, a new plan must be submitted to the Conservation office showing the Limits of Work and timeline for reduction of site coverage.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and issue an Order of Conditions for SE18-2031 with the following three conditions: 1. A revised plan showing Limits of Work be delivered to Nancy Rufo prior to any work taking place; 2. The driveway will be removed within six months of the Certificate of Occupancy for the first addition and 3. The limit of work be staked in the field. Motion passed unanimously 6 to 0.

**PUBLIC HEARING: Hammer/Duxbury Construction; Notice of Intent, 1 Abrams Hill, seasonal boardwalk, gangway, and float.
SE18-2034**

Scott Zoltowski read the Legal Notice for the 1 Abrams Hill project. Freeman Boynton, Duxbury Construction, presented the project for the homeowners which consists of removing an existing wooden pier and replacing it with a new pier constructed with a 88 foot long and 28 inch wide aluminum frame and wooden decking. The wooden decking was requested by the Zoning Board of Appeals. Discussion followed on the weight of the wooden decked pier on the saltmarsh and the difficulty of removing the pier in the winter. A Right of Way (the "Strand"), runs around the base of Abrams Hill, and must be left clear for neighborhood access.

Nancy Rufo stated she has visited the site. She asked what kind of machinery would be doing the work. Mr. Boynton replied, "A small Dingo". Abutter Sherman Hoyt (51 Abrams Hill) voiced his approval of the project.

Corey Wisneski made a motion, seconded by Sam Butcher, to close the Public Hearing and issue an Order of Conditions for SE18-2034. Motion passed unanimously 6 to 0.

**PUBLIC HEARING: Sicilia/Duxbury Construction; Notice of Intent, 35 Bradford Rd., sump pump drainage field.
SE18-2035**

Scott Zoltowski read the Legal Notice for SE18-2035. Freeman Boynton, Duxbury Construction, presented the project for the homeowners. The project consists of building a large sandy "leach field" to receive water from the site and house basement. The house was replaced 7 or 8 years ago and the site has had water issues ever since. Other onsite locations were considered for the leach field, but the soils were not sandy or it was too close to the existing septic system. The proposed leach field will be within 25 ft. of Duxbury Bay and will only be receiving groundwater. There will be no elevation changes.

Nancy Rufo stated she visited the site and the project seems as if it will work as presented.

Sam Butcher made a motion, seconded by Corey Wisneski, to close the Public Hearing and issue an Order of Conditions for SE18-2035. Motion passed unanimously 6 to 0.

**PUBLIC HEARING: Baker/Duxbury Construction; Notice of Intent, 131 Washington St., replace seawall.
SE18-2036**

Scott Zoltowski read the Legal Notice for SE18-2036. Freeman Boynton, Duxbury Construction, presented the project for the homeowners. There is currently an onsite wooden seawall which is collapsing. The project proposes to remove the existing seawall, which is at an angle to Duxbury Bay, and replace it with a 3 ft. high slope stone wall with holes to dissipate wave action. In answer to Sam Butcher's question, the toe of the proposed seawall will be in the same location as the current wooden sea wall. The lawn will be reduced in size due to the slope of the new seawall. An area of High Tide Bush will be removed and reestablished following the seawall construction.

Nancy Rufo stated she visited the site and agrees with the Plan of Record. She recommends writing an Order of Conditions.

Abutter, Dan O'Connor (18 Wadsworth Way), spoke in opposition to the project for the following three reasons: 1. He does not want the aesthetics of a stone wall; 2. He does not see the benefit of a stone wall; and 3. He has concerns about increased water flow to his property. He stated that extra high tides currently flow onto lawns and debris must be removed occasionally. Raising the 131 Washington St. lawn will cause additional tidal water onto his property and raising the lawn height

will impact his and other neighbors' views. On 11.5 ft high tides there is no water in their yards. Only in storms and extreme high tides are their yards flooded. Discussion followed on tidal action and the proposed seawall in a Velocity Zone. Neighbor, Ronan Ryan (24 Wadsworth Lane) also voiced his concern about the new seawall creating a dam and pushing the water onto his property. According to Mr. Ryan, the Ryans and O'Connors share a view easement. Commissioners decided a site visit was needed.

Holly Morris made a motion, seconded by Tom Gill, to continue the Public Hearing for SE18-2036 until April 11, 2023 at 7:03 p.m.

**PUBLIC HEARING: Norberg/Duxbury Construction; Notice of Intent, 10 Howlands Landing, winch house replacement.
SE18-2037**

Scott Zoltowski read the Legal Notice for SE18-2037. Freeman Boynton, Duxbury Construction, presented the project for the homeowners. The property currently has a waterfront winch house for hauling boats. The project consists of having Long Point Marine remove the current winch house and replace it with a new weather tight winch house of the same size. The inside winch will be upgraded.

Nancy Rufo stated she agrees with the project as presented and recommends writing an Order of Conditions.

Sam Butcher made a motion, seconded by Corey Wisneski, to close the Public Hearing and write an Order of Conditions for SE18-2037. Motion passed unanimously 6 to 0.

PUBLIC MEETING: Bowen/Shawn Dahlen & Co.; Request for Determination of Applicability, 60 Long Point Lane, pier repair.

Scott Zoltowski read the Legal Notice for the 60 Long Point Lane RDA pier repair. Kevin Dahlen presented the project for the landowners. The project consists of replacing the decking and pressure treated posts of a pier in the Buffer Zone.

Nancy Rufo visited the site and agrees with the project. She recommended issuing a Negative Determination of Applicability.

Corey Wisneski made a motion, seconded by Holly Morris, to close the Public Meeting and issue a Negative Determination for the 60 Long Point Lane project. Motion passed unanimously 6 to 0.

ADMINISTRATIVE MATTERS:

Certificate of Compliance:

SE18-1382 Fotta/Shawn Dahlen & Co., 830 Franklin St. Barn.

Nancy Rufo stated she visited the site, has received an As Built Plan and recommends issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Holly Morris to issue a Certificate of Compliance for SE18-1382. Motion passed unanimously 6 to 0.

Minutes for Approval:

Regular Session Meeting Minutes: March 14, 2023.

Holly Morris made a motion, seconded by Mickey McGonagle, to approve the Minutes of March 14, 2023. Motion passed unanimously 6 to 0.

Temple Street Dam Removal Update:

Ms. Rufo provided an update for the Temple Street Dam Removal project. The South River Restoration Project was accepted as a Priority Project by the MA Division of Ecological restoration in 2016. Dam removal design, drawings and project manual bids were due January 24, 2023. Three bids were received. Horsely and Witten was the successful bidder. A virtual kick-off Zoom was held on March 23, 2023 with an on-site kick-off meeting scheduled for April 11, 2023.

Conservation Fund Expenditures: Nancy Rufo requested a total of \$3831.58 to be expended from the Conservation Fund for three land management projects: 1. Not to exceed \$2500 for the repair and /or replacement of 48 Conservation wooden signs; 2. \$630 for parking lot gravel; and 3. \$701.58 for security fencing at the Crowell Bog and other Conservation properties.

Corey Wisneski made a motion, seconded by Sam, to approve the expenditure of \$3831.58 from the Conservation Fund for three projects: repair and/or replacement of 48 Conservation signs, \$2500, 2. Parking lot gravel, \$630 and 3. Fencing, \$701.58. Motion passed unanimously 6 to 0.

ADJOURN:

At 8:20 p.m. Sam Butcher made a motion, seconded by Holly Morris, to adjourn the meeting. Motion passed unanimously 6 to 0.

The next Conservation Commission meeting is scheduled for Tuesday, April 11, 2023 at 7:00 p.m. in the Town Hall Mural Room.