



Approved April 25, 2023

Town of Duxbury Conservation Commission

2023 APR 27 PM 3:49
DUXBURY, MASS.

Minutes of April 11, 2023

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, April 11, 2023 at 7:00 p.m.

Members Present: Scott Zoltowski, Vice Chair; Sam Butcher; Corey Wisneski, Mickey McGonagle; and Holly Morris

Members Absent: Robb D'Ambruoso, Chair; Thomas Gill, III

Staff Present: Nancy Rufo, Conservation Administrator; Debbie Ballem, Principal Assistant

Meeting was called to order by Vice Chair, Scott Zoltowski at 7:00 p.m. He introduced seated Commission members and staff.

PUBLIC MEETING; HANSEN/DUXBURY CONSTRUCTION, REQUEST FOR DETERMINATION OF APPLICABILITY, 282 KING CAESAR ROAD, POOL, POOL HOUSE, SEPTIC, WALL, & FILL
Board members noted that this property is well outside of a wetland buffer zone (over 300'), but is categorized as a flood zone which falls under Conservation jurisdiction. Freeman Boynton, Duxbury Construction, presented the proposed project regarding the grade 11 elevation of a home, and the installation of a pool, pool house, septic, and wall, on land subject to coastal storm flowage.

Currently, adjacent properties direct water to 282 King Caesar Road during storms which fills the yard with water. Mr. Boynton described mitigation measures and infrastructure to reduce flooding impacts and prevent water from being directed to neighboring properties. The yard will slope down towards the street to grade 10 and 9, and a rain garden with wetland species will be installed to absorb water from the property.

Abutters, Bob Mastrovita (88 Upland Road), Deanna Mank (294 King Caesar Road), and Cindy O'Neil (63 Upland Road), expressed their concern that elevating 282 King Caesar would cause flooding issues for other properties. Mr. Mastrovita referred to a swale between 282 and 294 King Caesar Road that could cause a "funneling" effect during storm surges. Mr. Boynton stated that flooding has not worsened since adjacent properties were elevated, and no evidence suggests that raising the property at 282 King Caesar Road would worsen flooding. Mr. Boynton stated that the construction would most likely reduce scouring.

Nancy Rufo stated that she conducted a site visit at 282 King Caesar Road and the proposed project meets the rules and regulations. Ms. Rufo recommended issuing a Negative Determination.

Sam Butcher made a motion, seconded by Holly Morris, to issue a Negative Determination and a Notice of Intent is not required for the proposed project at 282 King Caesar Road. Motion passed unanimously 5 to 0.

PUBLIC MEETING; OATES/DUXBURY CONSTRUCTION, REQUEST FOR DETERMINATION OF APPLICABILITY, 270 KING CAESAR ROAD, NEW SEPTIC & FILL
Freeman Boynton, Duxbury Construction, presented the proposed project regarding the grade 10 elevation of the property, and installation of septic and fill, on land subject to coastal storm flowage. Mr. Boynton stated that neighbors are working together to blend the grading between properties to mitigate water shedding.

Abutter, Peter Farnham (256 King Caesar Road) asked if there would be increased water flow to his property. Mr. Boynton stated it is unlikely given that 256 King Caesar is uphill at grade 16. Additionally, landscaping will absorb water. Cindy O'Neil (63 Upland) asked if water would be directed to the pool on her property, which she noted is elevated to grade 11. Mr. Boynton stated he would work with Ms. O'Neil during the project to ensure that water is not directed to her property.

Nancy Rufo stated that she conducted a site visit at 270 King Caesar Road, and the proposed plans meet the rules and regulations. Ms. Rufo recommended issuing a Negative Determination.

Sam Butcher made a motion, seconded by Corey Wisneski, to issue a Negative determination and a Notice of Intent is not necessary for the proposed project at 270 King Caesar Road. Motion passed unanimously 5 to 0.

**PUBLIC HEARING; MCGILL/DUXBURY CONSTRUCTION, 5 SURFSIDE WEST, RAZE AND REBUILD
SE18-2038**

Freeman Boynton, Duxbury Construction, presented the proposed project and plans to raze and rebuild a single-family home. Abutter, Patrick Leahy (9 Surfside West), requested clarification of the increased footprint, and whether the house is being moved too close to the lot line. Mr. Boynton replied that the new house will be moved further away from 9 Surfside West and explained that frontage is under Zoning jurisdiction, not Conservation.

Nancy Rufo stated that she conducted a site visit at 5 Surfside West, the proposed plans meet the rules and regulations, and coverage will be slightly below amount allowed. Ms. Rufo recommended issuing Orders of Conditions for SE18-2038.

Corey Wisneski made a motion, seconded by Holly Morris, to issue Orders of Conditions for SE18-2038. Motion passed unanimously 5 to 0.

**CONTINUED PUBLIC HEARING; BAKER/DUXBURY CONSTRUCTION, 131 WASHINGTON STREET, REPLACE SEAWALL
SE18-2036**

Freeman Boynton presented the proposed project to replace a deteriorated wood seawall. Currently, water fills part of the yard during high tide which cuts into the lawn and causes erosion. The concern is that the existing seawall is near collapsing.

Abutter, Dan O'Connor (18 Wadsworth Way) asked how the new seawall will impact the estuary between the properties, how it will affect his property, and expressed concern about an area which now holds water might be displaced by fill. Mr. O'Connor supports planting high tide bush which he agreed makes sense aesthetically and ecologically.

Board members addressed Mr. O'Connor's concerns and explained that the new wall will reduce water refraction and dissipate wave energy. Board members also acknowledged that while flooding of the tidal creek/estuary may occur infrequently, the other alternative is doing nothing which will worsen conditions.

Nancy Rufo stated that she conducted a site visit at 131 Washington Street and recommended issuing an Order of Conditions.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue Orders of Conditions for SE18-2038. Motion passed unanimously 5 to 0.

CONTINUED PUBLIC HEARING; DUXBURY SEAWALL PHASE II, III, IV, SEAWALL CONSTRUCTION

SE18-0000 (DEP file # pending)

The Commission is awaiting a DEP file number and therefore must continue the Public Hearing. The next available hearing date for this project is on May 9, 2023 at 7:00 p.m.

Holly Morris made a motion, seconded by Mickey McGonagle, to continue the public hearing for the Notice of Intent regarding the Duxbury Seawall Project, Phase II, III, and IV, to May 9, 2023 at 7:00 p.m. Motion passed unanimously 4 to 0 with 1 recusal (Corey Wisneski).

CONTINUED PUBLIC HEARING; MCKENZIE ENGINEERING, LAND OFF KEENE STREET, PARKSIDE DEVELOPMENT, DRAINAGE FOR SUBDIVISION

SE18-2028

Nancy Rufo informed board members that the peer review of this project has been completed and the applicant has requested to continue the hearing to the next available date and time to provide time to review the findings and prepare for the meeting.

Holly Morris made a motion, seconded by Mickey McGonagle, to continue the public hearing for SE18-2028 to April 25, 2023 at 7:00 PM. Motion passed unanimously 5 to 0.

ADMINISTRATIVE MATTERS

Certificate of Compliance:

SE18-1826 – Clifford/Duxbury Construction; 33 Freeman Place

Nancy Rufo informed board members that she made a site visit and confirmed that the project was completed in compliance with approved plans. Ms. Rufo recommended issuing a Certificate of Compliance for SE18-1826

Corey Wisneski made a motion, seconded by Holly Morris, to issue a Certificate of Compliance for SE18-1826. Motion passed unanimously 4 to 0 with 1 recusal (Scott Zoltowski).

Minutes for Approval:

Regular Session Minutes: March 28, 2023

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the March 28, 2023 Regular Session minutes with a spelling correction. Motion passed unanimously 5 to 0.

NEW BUSINESS: No new business to report.

ADJOURNMENT: Sam Butcher made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 8:18 p.m. Motion passed unanimously 5 to 0.

The next Conservation Commission meeting is scheduled for Tuesday, April 25 at 7:00 p.m.