



Approved September 13, 2022

# Town of Duxbury Conservation Commission

Minutes August 23, 2022

TOWN CLERK  
2022 DEC 30 AM 9:34  
DUXBURY, MASS.

The Duxbury Conservation Commission held a hybrid meeting in the Town Hall Mural Room on Tuesday, August 23, 2022 at 7:00 p.m.

**Members Present in Person:** Sam Butcher; Mickey McGonagle and Corey Wisneski.

**Members Present Remotely:** Scott Zoltowski, Vice-Chair;

**Members Absent:** Robb D'Ambruoso, Tom Gill, and Holly Morris;

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

Meeting was called to order by Corey Wisneski at 7:00 p.m. She read the following Preamble:

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. For this meeting, members of the public who wish to attend remotely may do so by following the ZOOM meeting links below.

**Roll Call Confirmation of Member Present:** Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes and Corey Wisneski, yes.

## ADMINISTRATIVE MATTERS:

### Minutes for Approval:

**Regular Session: August 9, 2022.** Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the Regular Session minutes of August 9, 2022. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

### Certificates of Compliance:

**SE18-1948 Duffy/Duxbury Construction; 72 Plymouth Ave; foundation, addition, repairs, landscaping.** Joe Grady did not recommend approval of the SE18-1948 Certificate of Compliance. There are unpermitted stairs on the Coastal Bank, an issue which will need to be resolved.

**SE18-1939 Hammell/Cavanaro Consulting; 246 Gurnet Road; single family home.** Joe Grady did not recommend approval of the SE18-1939 Certificate of Compliance. Several existing items are not shown on the As-Built Plan. They must be added to the plan before a Certificate of Compliance can be issued.

## PUBLIC HEARING; BRADFORD/GRADY CONSULTING; 15 LEWIS COURT; RAZE/REBUILD SINGLE FAMILY HOME

### SE18-2014:

Corey Wisneski read the Legal Notice for SE18-2014. Sam Butcher stated he periodically works with Grady Consulting, but is not currently under contract with Grady for any projects. Applicants, Mr. and Mrs. Bradford were present in person. Paul Seaburg, Grady Consulting presented the project to raze the existing single-family home and replace it with a new home and patio in Land Subject to Coastal Storm Flowage and a Barrier Beach.

Joe Grady noted the Duxbury Wetland Regulations require the structure to be 2.8 ft. above the 100-year flood elevation and this proposal is 2.5 ft. above the 100-year flood elevation. The house will



need to be raised to meet current regulations. Paul Seaburg agreed to raise the house 4 inches. Joe Grady also noted that since this property is the low point in the neighborhood, grading was important. He suggested filling to meet grades of the abutting properties. Paul Seaburg agreed to the filling. He will add the grade changes to the plans. Joe Grady asked about ownership of the walls and fences around the property. There needs to be 6 inches of clearance under the fences for water flow during storm events. Some fencing is owned by abutters and is not part of this filing. 87% of the lot is impervious. 1.5 inches of crushed stone will be added under the new house to absorb and slow storm water runoff. Patio surface materials were questioned. Abutter, Maureen Fitzgerald asked if the house size was increased. Joe Grady answered that was a Zoning Board of Appeals issue. Commission agreed the Plan of Record must be modified to show the following: change in finished floor height, crushed stone under the house, better description of piles, pavers and woodchips, grade changes, 6-inch clearance under fences, and wall removal.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the Public Hearing to September 13, 2022 at 7:10 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

**PUBLIC HEARING; PONTIFF/SEACOAST ENGINEERING; 184 MARSHALL STREET; PIER SE18-2015**

Corey Wisneski read the Legal Notice for SE18-2015. Paul Brogna, Seacoast Engineering, thanked Joe Grady for his many years of service to the town before presented the project for applicants Eric and Jeanne Pontiff. Mr. Brogna stated the pier is consistent with the Duxbury Wetland Regulations as well as the state and Army Corps of Engineers regulations. The pier is 25.5 feet from the lot line, is the shortest distance over the saltmarsh, ending 2 ft. before the saltmarsh edge. Resource Areas affected are a Coastal Bank, Tidal Flat and Beach. The top of the Coastal Bank has been delineated. The pier will consist of a 4 ft. x 20 ft. walkway, a 4 ft x 72 ft. ramp, a 6 ft x 8 ft. seasonal gangway and a 10 ft. x 20ft seasonal float. Joe Grady stated the project is complex and no construction can take place before May 15<sup>th</sup> of any year.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2015. Motion passed on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

**PUBLIC MEETING; PHEASANT HILL REALTY TRUST/DUXBURY CONSTRUCTION; 355 TEMPLE STREET; IRRIGATION WELL.**

Corey Wisneski read the Public Meeting Legal Notice for installation of an irrigation well at 355 Temple Street. Freeman Boynton, Duxbury Construction, presented the project for applicant Jennifer Dahlen. The irrigation well is proposed to be 75 ft. from the Wetland Resource Area. Joe Grady recommended a Negative Determination. Freeman Boynton estimated the well could pump 500 gals. per day at its peak.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Negative Determination for the 355 Temple Street irrigation well. Motion passed on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

**EXECUTIVE SESSION AND ADJOURNMENT:** Corey Wisneski read the following declaration: As Chair, I declare the necessity for an Executive Session to discuss matters related to hiring nonunion personnel since an Open Meeting may have a detrimental effect on the negotiating position of the Town.

Mickey McGonagle made a motion, seconded by Sam Butcher, to go into Executive Session for the purpose of discussing matters related to hiring nonunion personnel since an Open Meeting may have a detrimental effect on the negotiating position of the Town, if the Chair so declares, in accordance with M.G.L. Chapter 30A, section 21, and that the Commission will adjourn the Regular and Executive Sessions after the completion of the Executive Session. Motion passed on a roll call

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vote: Sam Butcher, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes.  
Motion carried 4 to 0.

**The next Conservation Commission meeting is scheduled for Tuesday, September 13, 2022 at 7:00 p.m. in person in the Town Hall Mural Room.**