



# Town of Duxbury Conservation Commission

TOWN CLERK  
2021 NOV 19 AM 11:43  
DUXBURY, MASS.

## Minutes of September 21, 2021

The Duxbury Conservation Commission met on Tuesday, September 21, 2021 at 7:00pm via a remote Zoom meeting.

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

**Members Absent:** Robb D'Ambruoso, Chair

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

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

Mr. Zoltowski 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.

Members present on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes.

### ADMINISTRATIVE MATTERS:

#### Minutes for Approval:

**Regular Session: September 7, 2021:** Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the revised minutes (dated 9/21/21) of September 7, 2021. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

#### Approve funding from Conservation Fund for trail map printing (\$961.50)

Sam Butcher made a motion, seconded by Corey Wisneski, to approve spending \$961.50 to partially fund a second printing of the 2021 Duxbury Trail Maps. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

### PUBLIC HEARING; CURRIER/DUXBURY CONSTRUCTION; 230 MARSHALL STREET; STONE REVENTMENT AND DRIFT FENCE SE18-1976

Scott Zoltowski read the Public Hearing Legal Notice. Freeman Boynton of Duxbury Construction presented plans showing existing and proposed conditions. Mr. Boynton noted the plan had changed slightly based on a site visit that morning (9/21/21) with Joe Grady and Nancy Rufo of Conservation. Mr. Grady noted the plan needed to be clearer in terms of the Resource Area, and whether there is a Coast Bank or Upland in front of the house. The same is true for the side of the house, which needs better labelling and demarcation between Coastal Beach and Coastal Dune. Owner James Currier was also in attendance and presented a 7-minute video detailing his family's history with the

property. Mr. Boynton agreed to make proposed changes to the site plan. The Commission decided to table discussion until the next meeting, after they have had adequate time to review revised plans.

Corey Wisneski made a motion, seconded by Holly Morris, to continue the Public Hearing for SE18-1976 to October 5, 2021 at 7:10pm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**PUBLIC HEARING; FITZGIBBONS/CAVANARO CONSULTING; 65 PARTRIDGE ROAD; POOL REPLACEMENT AND ASSOCIATED GRADING, LANDSCAPING AND HARDSCAPING  
SE18-1975**

Scott Zoltowski read the Public Hearing Legal Notice. Caroline Rees of Cavanaro Consulting, representing owners Stephen and Lisa Fitzgibbons, presented existing and proposed conditions. The project includes replacing an inground pool, adding a spa, and associated hardscaping and landscaping. A portion of the work is located within the Riverfront (Bluefish). The bank has been flagged by South River Environmental (John Zimmer). Only the spa and part of the wall is located within the Resource Area resulting in a coverage of less than 1%. Joe Grady stated he agrees with the wetlands line shown on the plan, and noted work within the Resource Area/Riverfront is quite minor.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write Orders of Conditions for SE18-1975. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**CONTINUED PUBLIC HEARING; BUCKLEY/STENBECK & TAYLOR; 55 OCEAN ROAD NORTH; RAZE AND REBUILD SFH  
SE18-1973**

Joe Grady stated a revised plan had been received by Conservation modifying the deck so that it no longer expands into the 35-foot setback. A revised Architectural Plan was also received with previously missing information now included. The Commissioners had no questions or comments regarding this project as an in-depth discussion occurred during the previous meeting (9/7/2021).

Holly Morris made a motion, seconded by Sam Butcher, to close the Public Hearing and write Orders of Conditions for SE18-1973. Motion passed with on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**PUBLIC HEARING; BALDWIN/GRADY CONSULTING; 0 KEENE STREET; SFH AND MOUNDED SEPTIC  
SE18-1977**

Scott Zoltowski read the Public Hearing Legal Notice. Gabriel Padilla of Grady Consulting, representing John Baldwin, presented existing and proposed conditions. The site consists of a wooded lot with a structure and an outhouse. The proposal is to remove both of these structures and construct a new single-family home with mounded septic. They are also proposing two dry wells and a rain garden as treatment of driveway runoff. Tree clearing will occur and silt sock will be in place as erosion control. Mr. Padilla stated the foundation will be 47' from the bordering vegetated wetland. The septic is proposed at 88' (as opposed to the required 150') due to the limited space on-site. They have applied for a variance for the septic location. Commission discussion followed. Sam Butcher stated for the record that he periodically works with Grady Consulting, although he does not have any projects currently. Joe Grady stated he has been on this site multiple times in the past

week and he does not agree with the wetlands line. As such, Mr. Grady has solicited a proposal (dated 9/20/2021) from Lenore White of Wetlands Strategies for peer review. Mr. Grady noted numerous deficiencies and concerns with the submittal. The current site plan does not show wetlands across the street in the Buffer Zone. The proposal also does not meet the Conservation Commission's rules and regulations (e.g., a house is required to be setback 50', not the proposed 47'). Conservation regulations do not allow for variances on new construction (septic). In addition, Mr. Grady has no knowledge of the company responsible for the current wetlands line. He has never heard of South Shore Environmental, there is no name on the plan as to who completed the work, and the company's credentials are unknown. Before proceeding, a review of the wetlands line needs to be completed. Grady Consulting will have to submit a WV9 form, as well as peer review fee, before proceeding.

Corey Wisneski made a motion, seconded by Sam Butcher, to hire Wetlands Strategies to review the wetlands as outlined in the 9/20/2021 proposal (tasks 1 thru 3 in the amount of \$600) and continue the Public Hearing for SE18-1977 to October 5, 2021 at 7:15pm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**PUBLIC MEETING; RICHARD STEVENS; 76 CAPTAINS HILL ROAD (AT THE REQUEST OF 25 BAY VIEW ROAD); TREE PRUNING**

Scott Zoltowski read the Public Meeting Legal Notice. Richard Stevens, applicant and owner of 25 Bay View Road, presented existing and proposed conditions. The Stevens family has lived at 25 Bay View Road since 1995. Over time, the trees at 76 Captains Hill Road have started to block their vista from the house and front yard. Mr. Stevens is proposing to prune (not remove) trees to reestablish their vista. Mr. Stevens plans to accomplish this by hiring a tree service which utilizes a bucket truck and police detail. Commission discussion followed. Joe Grady noted an RDA came before the Commission previously for a similar project proposed by a neighboring property. This resulted in a positive determination and subsequent NOI filing. Corey Wisneski wants to be sure what is going to occur is actually "pruning" and not "tree topping". Mr. Stevens was able to confirm that tree topping will not occur. Scott Zoltowski had similar concerns, and he is unsure how the trees will respond to pruning. Mr. Stevens referenced several articles noting pruning does not injure trees, but in fact often times is beneficial for trees. He also has been in touch with local arborists who confirmed pruning does not hurt the trees. He noted the trees he is proposing to prune are mostly maples. Ms. Wisneski asked about timing. Mr. Stevens does not have an exact timeline in mind. He does not believe any companies would have availability before November/December. Mr. Stevens stated that he is flexible with the timing and would be willing to complete the pruning when best for the trees. Ms. Wisneski did want it noted to make sure that timing is a consideration. Sam Butcher feels this is a grey area. He is inclined to recommend a negative determination as long as the trees are pruned and not topped. Mr. Stevens has spoken with Abraham at Bartlett Tree Experts and he will be the one performing the pruning. Several Commissioners noted familiarity with Abraham and expressed confidence in his ability. Mr. Zoltowski noted the determination could be conditioned to limit the activity to one pruning, and not multiple over the 3-years that the determination valid. Holly Morris noted she is also aware that pruning may make the trees even healthier. Mickey McGonagle and Tom Gill agreed with Ms. Morris.

Corey Wisneski made a motion, seconded by Sam Butcher to issue a Negative Determination for 76 Captains Hill Road (at the request of 25 Bay View Road) with conditions being that the work be performed by a Massachusetts Certified Arborist; that this is for a 1-time pruning activity; and that pruning will occur and not tree-topping. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**ADMINISTRATIVE MATTERS (continued):**

**Discussion Related to Conservation Restriction at Eagle's Nest Creek Headway (Hart/251 Standish Street)**

Joe Grady stated that the Duxbury Selectboard will be asked to sign a Conservation Restriction between the Harts and Wildlands Trust at a future meeting. They would like the Conservation Commissions' recommendation on establishing this CR. It will be similar to the CRs issued by the Conservation Commission; however, this CR has tax implications for the Harts. It was noted that the Wildlands Trust will hold and maintain the CR.

Holly Morris made a motion, seconded by Sam Butcher, that the Conservation Commission recommend the Selectboard approve and sign the Conservation Restriction from Douglas E. Hart and Lydia D. Hart to the Wildlands Trust, Inc. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**Executive Session to discuss pending Enforcement Action – to comply with the provisions of any general or special law (generally privacy)**

Joe Grady indicated an Executive Session was no longer necessary as the owners of the property in question have filed a Notice of Intent for the subject of the potential enforcement action.

**ADJOURNMENT:** Tom Gill made a motion, seconded by Sam Butcher, to adjourn the meeting at 8:06pm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes. Motion carried 6-0.

**NEXT MEETING:** The next meeting of the Conservation Commission is scheduled for Tuesday, October 5, 2021 at 7:00pm.