



# Town of Duxbury Conservation Commission

Minutes of November 2, 2021

TOWN CLERK  
2021 NOV 19 AM 11:44  
DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, November 2, 2021 at 7:00 p.m. via remote Zoom videoconferencing.

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

**Members Absent:** Tom Gill

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:04p.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.

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

Prior to the discussion, Sam Butcher noted he is currently working on a project with Grady Consulting. He does not believe this is a conflict, but did want the Commission to be aware. Gabriel Padilla of Grady Consulting presented the revised project plan. Mr. Padilla said they have gained approval from the Board of Health for the mounded septic, and the wetlands line was revised based on comments from the previous Conservation Commission meeting on October 5<sup>th</sup>. Joe Grady noted Lenore White of Wetland Strategies completed a peer review for this project. She revised the wetlands line and the current plan had been updated to reflect her changes. Mr. Grady noted a portion of the reconstructed dwelling will be within the setback, so Grady Consulting is proposing sonotubes. Mr. Grady stated the revised project now meets the Commission's rules and regulations. Commissioner discussion followed. Holly Morris questioned the location of the septic within 100-foot limit. Mr. Padilla noted the septic is as far away as possible given the constraints of the lot. In addition, the Board of Health approved this plan and issued a waiver. Mr. Grady noted the Board of Health deemed this was an "existing dwelling", so this is considered a "rebuild" rather than "new construction". Given this, the 100-foot restriction does not apply. In addition, Conservation typically leaves the "dwelling" determination to the Board of Health. Public Comment - Gerry McMahon (30 Ashdod Lane) is interested as to what the project actually entails. Robb D'Ambruoso clarified the Commission's focus is limited to conservation issues and determining if this pertains to wetland regulations, and the project being discussed is reconstruction of a single-family home. Applicant John Baldwin thinks Mr. McMahon is confusing his project with the AW Perry project near the Keene

St ballfields. Corey Wisneski noted if there are wetlands involved with the AW Perry project, then the Conservation Commission would be involved, however the Commission cannot speak to that now as there has not been an application filed to date. Carole Smith (415 North St) feels there are problems with Mr. Baldwin's project due to its close proximity to wetlands, especially given the problems the town is currently facing with its water quality. Robb D'Ambruoso noted reconstruction is allowed within 100 feet given this is considered an existing dwelling. Still, Ms. Smith was wondering when the dwelling was last occupied. Mr. Baldwin noted the septic meets Title 5 (50' from wetland), it was determined to be a dwelling by the Board of Health, and it has a stove, electricity, and a meter. Mr. D'Ambruoso stated the Commission is not going to open Zoning or Board of Health issues as the Conservation Commission is only tasked with wetlands bylaws. Whether this is a dwelling has been previously determined by the Board of Health and is not the call of the Conservation Commission.

Sam Butcher made a motion, seconded by Holly Morris, to close the hearing and write Orders of Conditions as presented in the revised plan for SE18-1977. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

**PUBLIC MEETING; CARLETON/DUXBURY CONSTRUCTION; 83 STAGECOACH ROAD;  
REMOVE PORTION OF EXISTING DECK AND REMOVE EXISTING SHED**

Robb D'Ambruoso read the Public Meeting Legal Notice. Freeman Boynton of Duxbury Construction, representing homeowners the Carletons, presented the project. While in the process of selling their home, the Carletons discovered a deck was constructed without the necessary permits and they would like to correct that situation. The plan is to remove a portion of the deck and existing shed to bring the property into compliance. They will be removing 99 sq ft of shed and 90 sq ft of deck. Joe Grady has reviewed the project and recommends a negative determination. Commissioner discussion followed. Sam Butcher questioned whether there will be a lot of disruption with shed removal. Mr. Boynton indicated there would not be as he anticipated all hand removal of the shed.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a negative determination meaning an NOI will not be required for the portion of deck and existing shed removal at 83 Stagecoach Road. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

**CONTINUED PUBLIC HEARING; COREY/DUXBURY CONSTRUCTION; 32 LINDEN LANE; PIER  
WITH STAIRS, GANGWAY AND FLOAT  
SE18-1979**

Robb D'Ambruoso re-read the SE18-1979 Legal Notice as the original notice had a publishing error. David Corey (owner of 32 Linden Lane) presented the project via a PowerPoint presentation. The primary reason for the pier request is that the Corey family owns several boats. The pier placement will be such that it will allow for beach walkers. They are also trying to keep the pier as short as

possible so public boats will not be disrupted. The proposed pier is 70 feet long x 4 feet wide, with a 6x8 foot platform and 10x20 foot float. Mr. Corey does not believe it will impede any sight lines of neighbors, or destroy public view. Joe Grady noted the project looks to comply with the rules and regulations. The Harbormaster reviewed the project with no comment, as did Marine Fisheries which provided standard comments. The Conservation Commission did receive public comments that there was difficulty reviewing the online documents due to power and internet outages caused by a recent storm. Robb D'Ambruoso asked Mr. Corey if a continuance of two weeks be a hardship given his project schedule. Mr. Corey would rather not delay the project if possible. Public comment followed. Bill TenHoor (1 Water Street) voiced some concerns. Overall, he is very supportive of the applicant but is requesting a temporary postponement due to 1) this being a critical area, 2) design issues, and 3) timing issues. Mr. TenHoor would like some extra time to look at the plans more closely once his technical storm-related issues are resolved. His location concerns are based on this being a unique area on the shoreline with few piers that offers remarkable views of the bay. He is very concerned with the rapidity that piers are being applied for and constructed as this puts the view at risk. If there is maximal development of piers, a shoreline will get lost in the process. Mr. TenHoor also noted the area is a velocity zone which creates safety issues. As for timing concerns, he feels there is developmental pressure on this area of the bay with both commercial uses (DBMS, mooring fields), and private owners. He questioned if there is something else that can be done other than a conventional pier? Mr. TenHoor expressed concern that there is no flexibility once the pier is in place and it will dominate the shoreline. He thinks there may be some design considerations that could be considered (e.g., less visible materials, portable, living shoreline technologies). Mr. TenHoor does not believe any of this has been tapped into. Also, the possibility of a shared pier has not been explored (similar to Hornbeam). Colleen Madigan (17 Short Lane) asked if abutting moorings will need to be moved? Mr. Corey does not believe so.

Commissioner discussion followed. Mickey McGonagle asked Mr. Grady if the project as currently designed complies with our regulations. Mr. Grady replied that it does. Mr. McGonagle is not sure what a delay would accomplish since the project currently complies with our regulations. Although thorough and important, Mr. McGonagle feels the public comment was addressing more of a public policy issue. Scott Zoltowski agrees the application meets our requirements, although he sympathizes with anyone who was unable to access information due to the storm. Freeman Boynton is not sure there would be any changes even if there was a continuance. Holly Morris thanked Mr. TenHoor for his extensive, thorough, and thoughtful comments. While Ms. Morris appreciates that he did come forward, this project does meet the Commission's rules and regulations. Further, there was a pier at this location many years ago. Mr. Corey noted he is doing his best to take everything into consideration with the design and visual impacts. He does not feel he can make changes to make the proposal better as he has already worked extensively with Mr. Boynton to come up with the best plan possible.

Sam Butcher made a motion, seconded by Corey Wisneski, to write Orders of Conditions as presented for SE18-1979. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.  
Motion carried 6 – 0.

Sam Butcher made an amended motion, seconded by Corey Wisneski, to close the hearing and write Orders of Conditions as presented for SE18-1979. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

**PUBLIC MEETING; DAHLEN TRUST/DAHLEN AND COMPANY; 355 TEMPLE STREET; HARDSCAPE PATIO**

Robb D'Ambruoso read the Public Meeting Legal Notice. Kevin Dahlen presented the project on behalf of the Shawn Dahlen Trust. The project entails a 18x32 hardscape patio 40.9 feet off of the wetland resource area. The Buffer Zone coverage will increase to 8.66% which is well under the 15% limit. Joe Grady has reviewed the project and believes it meets the rules and regulations as proposed.

Holly Morris made a motion, seconded by Corey Wisneski, to issue a negative determination for 355 Temple Street. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

**PUBLIC HEARING; WB BUILDERS DUXBURY/OUTBACK ENGINEERING; 1 & 25 LINCOLN STREET; FIELDSTONE FARM CONDOMINIUMS SE18-1981**

Robb D'Ambruoso read the SE18-1981 Legal Notice. Jim Pavlik of Outback Engineering presented the project on behalf of the applicants. In brief, the Fieldstone Farm project is proposed off of Lincoln Street. It is an approximately 21-acre site. The wetland line was approved by the Conservation Commission in 2018. As part of this current filing, the applicant is requesting an extension of that approval (note COVID tolling will extend the deadline anyway). The project has been approved by the Zoning Board as well the Affordable Housing Trust. The project complies with 25 foot no touch zone, and all structures are a minimum of 50 feet from wetlands. There are four homes on the north side of site and seven homes on the south side within buffer zone. A portion of the site is also within an endangered species habitat (turtle protection plan submitted for the eastern box turtle). Commission discussion followed. Robb D'Ambruoso recommended a peer review. Joe Grady received a proposal from Lenore White of Wetland Strategies dated 11/2/21. The Conservation Commission would need to vote to retain Ms. White, then an escrow account would be established. Mr. Grady recommended continuing the hearing to 12/21/21 at 7:15pm to allow everyone adequate time. Public comment followed. Ben Ross (748 Mayflower Street) is curious to learn about the infrastructure going in and had several questions. Will there be a catch basin? What is happening with the water? Should he be concerned with the way runoff and drainage will occur? Mr. D'Ambruoso replied that Ms. White's peer review will accomplish an analysis of these types of impacts, therefore it may be better to table these questions until 12/21/21 at 7:15pm. Mr. Ross agreed.

Corey Wisneski made a motion, seconded by Holly Morris, to retain Lenore White of Wetlands Strategies to conduct a peer review as detailed in the proposal dated 11/2/21, and to continue the public hearing to 12/21/21 at 7:15pm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

#### **ADMINISTRATIVE MATTERS:**

##### **Minutes for Approval:**

##### **Regular Session: October 19, 2021**

Scott Zoltowski made a motion, seconded by Corey Wisneski, to approve the October 19, 2021 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

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

- **SE18-1736; Turner/Kathy Muncey; 978 Temple Street; sfh and grading.**

Joe Grady reported the project complies with the Order of Conditions, he has inspected the property and he has an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Sam Butcher made a motion, seconded by Corey Wisneski, to issue a Certificate of Compliance for SE18-1736. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

- **SE18-1565; Turner/Kathy Muncey; 978 Temple Street; sfh and grading.**

Joe Grady reported the project complies with the Order of Conditions, he has inspected the property and he has an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Sam Butcher made a motion, seconded by Corey Wisneski, to issue a Certificate of Compliance for SE18-1565. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6 – 0.

#### **Special Town Meeting Update**

Joe Grady provided an update for Special Town Meeting to be held on November 8<sup>th</sup> at 7p.m. at the Performing Arts Center. Please attend if possible as there are two very important articles related to conservation. Mr. Grady noted a Phase 1 environmental assessment is currently being completed for the Pink property (Article 1). Any findings will be addressed prior to purchase.

Article 5 is a citizens' Petition to stop the farm restoration of 0 Summer Street/Delorenzo property.

Scott Zoltowski made a motion, seconded by Sam Butcher, to support the purchase of the Pink property (Old Cordwood Path) as detailed in Article 1 of the Special Town Meeting warrant. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6 – 0.

Sam Butcher made a motion, seconded by Holly Morris, to support Article 5 (Citizens' Petition) at Special Town Meeting on November 8, 2021. Motion failed unanimously on a roll call vote: Sam Butcher, nay; Mickey McGonagle, nay; Holly Morris, nay; Corey Wisneski, nay; Scott Zoltowski, nay; and Robb D'Ambruoso, nay. Motion failed 0 – 6.

**ADJOURNMENT:** Sam Butcher made a motion, seconded by Holly Morris, to adjourn the meeting at 8:24 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6 – 0.

**Next Meeting:** The next meeting of the Conservation Commission is scheduled for Tuesday, November 16, 2021 at 7:00 p.m.