



Town of Duxbury  
Conservation Commission

Approved October 20, 2015

TOWN CLERK

15 OCT 21 AM 9:33

DUXBURY, MASS.

**Minutes of September 1, 2015**

The Conservation Commission met on Tuesday, September 1, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**Members Present:** Chairman Corey Wisneski; Sam Butcher; Tom Gill; Dianne Hearn; Holly Morris; Rob D'Ambruoso

**Members Absent:** John Brawley

**Staff Present:** Joe Grady, Conservation Administrator; Susan Ossoff, Administrative Assistant

The meeting was called to order at 7:00 PM

**DUXBURY WETLANDS REGULATIONS: Discussion**

The Commission has decided to review the Duxbury Wetlands Regulations and determine if there are areas in need of change or updating. General discussion was held about no-disturb zones, use of the words 'dock' and 'pier,' and the definition of a tidal creek. The Commissioners will continue this review at upcoming meetings.

**PUBLIC HEARING; EARLEY; 80 SEABURY POINT ROAD; RECONSTRUCT SEAWALL SE18-1708**

Paul Brogna, representing the applicant, described the project which is to replace a railroad tie wall with a rip-rap wall. The new wall will be 18-20 feet longer than the existing wall and will match the grade of the existing wall. Brad Holmes of ECR, representing the applicant, described the nature of the existing vegetation in the project area and proposed mitigation for impacts on the vegetation. Joe Grady asked to see sections of the wall; Mr. Brogna agreed to provide 3 sections with top and bottom elevations. The slope of the wall and the location of the toe were discussed.

On a motion by Tom Gill, seconded by Sam Butcher, it was voted 6-0-0 to continue SE18-1708 until September 15 at 7:15 pm.

**PUBLIC MEETING; DUXBURY CONSTRUCTION FOR BOWEN; 38 KING CAESAR ROAD; PIER REPAIR**

Freeman Boynton, representing the applicant, described the project which is to replace 2 end sections and 4 pilings on an existing Chapter 91 pier. Corey Wisneski asked if the pier goes over the salt marsh, Mr. Boynton said a portion of it does. Joe Grady posed the question of what is allowed under an RDA versus a NOI particularly for pier projects. Joe Grady suggested that if pilings are driven into a resource area an NOI could be required, versus projects where all work is done above the water, in which case an RDA might suffice.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5471; Fax: 781-934-1137

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

Corey Wisneski pointed out that the resource areas are not shown on the plan. Tom Gill asked if machinery will be used to drive the piles; Mr. Boynton said they will be driven from the seaward side and that all the piles are beyond the edge of the marsh. Corey Wisneski said if piles are being driven into the marsh, there should be a positive determination. Sam Butcher said that requirements and regulations should be tightened to clarify when an NOI is required for this type of work.

Sam Butcher made a motion to issue a Negative Determination so that a Notice of Intent is not required to replace the piles and decking for this project but a revised plan delineating where the salt marsh and resource areas are must be submitted before work is begun. The motion was seconded by Tom Gill and approved 6-0-0.

**PUBLIC HEARING; ARCHIA HOMES; 142 GURNET ROAD; RAZE EXISTING HOUSE AND BUILDING A SINGLE FAMILY HOME SE18-1709**

Matt Doheny, representing the Rayfields, described the project which is to raze the existing house and build a new house up on piles. Joe Grady pointed out that this area is a barrier beach which requires a pile foundation plan, and that the 35 foot setback is met except for a portion within the footprint of the existing structure. Tom Gill asked about the height of the building; Mr. Doheny said it meets requirements. A neighbor on Gurnet Road asked about the height and whether it will be visible above the existing trees; Mr. Doheny said the house is 8 feet higher, the trees are not being removed and the new house will be built within the existing footprint.

On a motion by Robb D'Ambruoso, seconded by Sam Butcher, it was voted 6-0-0 to write Orders of Conditions for SE18-1709.

**ADMINISTRATIVE MATTERS**

**McLean's Way proposed Conservation Restriction**

Joe Grady described the area to have the restriction which does not connect to any other open space holding. The plan also does not show the structures. The CR is for 2 acres between private property and dwellings and comes close (with a few feet) of one of the dwellings. This would be extremely hard to enforce and Joe Grady does not recommend the Commission accept the proposed CR.

On a motion by Tom Gill, seconded by Holly Morris, it was voted 6-0-0 to not accept the McLean's Way Conservation Restriction.

**Proposed modifications to footprint at 259 King Caesar Road; SE18-1700**

Joe Grady described the proposed change which is to increase some coverage but reduce the patio size to offset the coverage; the project is no closer to the wetlands. On a motion by Holly Morris, seconded by Dianne Hearn, it was voted 6-0-0 to allow the proposed changes within the existing Orders of Conditions for SE18-1700.

**EXECUTIVE SESSION**

Corey Wisneski made the following motion: I move we go into Executive Session for the purpose of discussing strategy with respect to pending litigation since an open meeting may

CONSERVATION MINUTES

September 1, 2015

Page 3

*Approved October 20, 2015*

have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session. The motion was seconded by Sam Butcher. Roll call vote: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Dianne Hearn, yes; Holly Morris, yes.

**Adjournment:** On a motion by Sam Butcher, second by Dianne Hearn, it was voted 6-0-0 to adjourn the meeting at 8:35 pm.

**MATERIALS REVIEWED AT THE MEETING**

NOI Materials for 80 Seabury Point Road

RDA Materials for 38 King Caesar Road

NOI Materials for 142 Gurnet Road

McLean's Way proposed Conservation Restriction

Proposed modifications to SE18-1700