



Approved April 26, 2022

Town of Duxbury Conservation Commission

TOWN CLERK

2022 MAY 20 PM 12:16

DUXBURY, MASS.

Minutes of April 12, 2022

The Duxbury Conservation Commission met on Tuesday, April 12, 2022 at 7:00 p.m. via remote Zoom videoconferencing.

Members Present: Robb D'Ambruoso, Chair; Scott Zoltowski, Vice-Chair; Tom Gill; Holly Morris; Mickey McGonagle; and Corey Wisneski

Members Absent. Sam Butcher

Staff Present: Joe Grady, Conservation Administrator; Nancy Rufo, Administrative Assistant; Pat Loring, Volunteer

Meeting was called to order by Chair, Robb D'Ambruoso at 7:00 p.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. Ch. 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. For this meeting, members of the public who wish to watch the meeting may do so by following the Zoom meeting links.

Roll call vote of members present: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session, March 29, 2022. Corey Wisneski made a motion, seconded by Tom Gill, to approve the Regular Session minutes of March 29, 2022. Motion passed on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso. Motion carried 6-0.

CONTINUED PUBLIC HEARING, NEELON/SEACOAST ENGINEERING; 146 GURNET ROAD; RAZE AND CONSTRUCT NEW SFH SE18-1992

Paul Brogna, Seacoast Engineering, reported a site visit is scheduled for April 14, 2022 with Conservation Consultant, Lenore White, Wetland Strategies, Inc. Therefore, the applicant is requesting a Public Hearing Continuance until April 26 at 7:30 p.m.

Corey Wisneski made a motion, seconded by Tom Gill, to continue the Public Hearing for SE18-1992 until April 26, 2022 at 7:30 p.m. Motion passed unanimously on a roll call vote: Tom Gill, 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, CURRIER/DUXBURY CONSTRUCTION; 230 MARSHALL STREET/ STONE REVETMENT AND DRIFT FENCE
SE18-1976**

Applicant has requested another Public Hearing continuance. Mr. D'Ambruoso commented that if the applicant is not ready at the next Public Hearing continuance perhaps the Commission should consider denying the project and having the applicant reapply. Delineation of the Resource Area is apparently delaying the project.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to continue the Public Hearing for SE18-1976 to May 24, 2022 at 7:05 p.m. Motion passed unanimously on a roll call vote: Tom Gill, 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, DANIELS/GRADY CONSULTING; 2 SHANTUM LANE/ POOL
Dux2022-01 (Local Bylaw Only)**

Joe Grady stated the Zoning Board of Appeals has denied the applicant's request to build a pool, therefore the project is being reconfigured and the applicant has requested a continuance under Duxbury's Local Wetland Bylaw.

Corey Wisneski made a motion, seconded by Holly Morris, to continue the Public Hearing for Dux2022-01 until April 26, 2022 at 7:25 p.m. Motion passed on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0

Abutters to the project Russ Condrich (259 Crescent Street) and Glenn Cederberg (263 Crescent Street), expressed concern about the volume of water being discharged from the wetland on the Daniels property. Mr. Condrich noted he does not object to the proposed pool but is concerned about the wetland.

**CONTINUED PUBLIC HEARING; CAMPBELL/5 WETLANDS; 5 EAST MARGINAL WAY/ RAZE SFH ON WALLED FOUNDATION AND REPLACE WITH SFH ON OPEN PIER FOUNDATION
SE18-1995**

Joe Grady recommended the Commission hire Lenore White, Wetland Strategies, Inc. to conduct a Peer Review according to her proposal of 3/31/2022 in the amount of \$1800. Lenore White will determine project compliance with the Commission's Rules and Regulations. Project plans are not stamped and show a partial slab, not an open pier foundation. Once an Escrow Account is established, Ms. White will be contracted to begin her review.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to adopt Lenore White's proposal of 3/31/2022 for SE18-1995 in the amount of \$1800. Motion passed on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to continue the Public Hearing for SE18-1995 until May 10, 2022 at 7:05 p.m. Motion passed on a roll call vote: Tom Gill, yes; Holly

Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

**PUBLIC HEARING; STRAWBRIDGE/ DUXBURY CONSTRUCTION, LLC; 46 BEAVERBROOK LANE; CUT AND CLEAR, GRADE AND REPLANT IN THE BUFFER ZONE
SE18-2005**

Robb D'Ambruoso read the Legal Notice for SE18-2005. Freeman Boynton, Duxbury Construction, LLC. presented the project for owner, Drew Strawbridge. Project consists of tree removal, regrading and replanting a slope within the Buffer Zone to a pond. Joe Grady, concerned about nutrient runoff into the pond, requested a 4- to 5-foot-wide planting bed of native shrubs be added at the base of the slope to absorb runoff from the new lawn area. He recommended closing the Public Hearing and writing an Order of Conditions.

Corey Wisneski made a motion, seconded by Mickey McGonagle to close the Public Hearing and write an Order of Conditions for SE18-2005. Motion passed unanimously on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

Realizing an omission in the motion, Corey Wisneski made a new motion, seconded by Mickey McGonagle to close the Public Hearing and write an Order of Conditions that includes adding a 4-to-5-foot planting bed of native shrubs at the edge of the lawn at the siltation barrier. Motion passed unanimously on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

PUBLIC MEETING; MCGRATH/MERRILL ENGINEERING & LAND SURVEYORS; 71 WINTER STREET; DECK TO PORCH CONVERSION

Robb D'Ambruoso read the Public Meeting Legal Notice. Joshua Green, Merrill Engineering, presented the project for owner Thomas McGrath. Project consists of changing a deck and lawn to an enclosed porch. The project is outside the 50 ft. Buffer Zone to a Bordering Vegetated Wetland. Joe Grady stated the project meets the Commission's Rules and Regulations, setbacks and coverage. He recommended a Negative Determination.

Holly Morris made a motion, seconded by Scott Zoltowski, to close the Public Meeting and issue a Negative Determination of Applicability for 71 Winter Street. Motion passed unanimously on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

**PUBLIC HEARING; BOYNTON/DUXBURY CONSTRUCTION LLC; 3 MODOC STREET; DRIVEWAY, GRADING AND WELL INSTALLATION
SE18-2002**

Robb D'Ambruoso read the Public Hearing Legal Notice for SE18-2002. Freeman Boynton presented the project for Bo Boynton. The project consists of a driveway, grading and a private well in the Buffer Zone. Joe Grady stated the Buffer Zone project meets the Commission's Rules and Regulations and he recommended closing the Public Hearing and writing an Order of Conditions.

Abutter, Steve Gandt (265 West Street), requested improvements to trees on a strip of land adjacent to his property. Mr. Boynton agreed.

Scott Zoltowski made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2002. Motion passed unanimously on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

PUBLIC HEARING; TOWN OF DUXBURY/MA DIVISION OF MARINE FISHERIES; DUXBURY BAY; EELGRASS RESTORATION

SE18-2006

Robb D'Ambruoso read the Legal Notice for SE18-2006. Forest Schenck, MA Division of Marine Fisheries (DMF), presented the project to transplant eelgrass in Duxbury Bay as part of the DMF Habitat Program. Resource Areas affected include Land under the Ocean and Land Containing Shellfish. Adult and seedling eelgrass will be transplanted from a borrow site in Plymouth. The 2022 work will take place in late April and early May of 2022 and is a test. If successful, a full restoration program will be implemented in 2024. Questions followed from Joe Grady and Commissioners regarding the funding sources, intensity of the work, depth of water at the site, vulnerability to summer boating traffic, and future replanting.

Corey Wisneski made a motion, seconded by Scott Zoltowski, to close the Public Hearing and write an Order of Conditions for SE18-2006. Motion passed unanimously on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

ADMINISTRATIVE MATTERS (continued):

Approval of Request for Local Fee Waiver for MA Division of Marine Fisheries (SE18-2006 Duxbury Bay Eelgrass Restoration)

MA Division of Marine Fisheries has requested a fee waiver of \$150 from the Local Wetland Bylaw.

Corey Wisneski made a motion, seconded by Tom Gill, to waive the local fee for the MA Division of Marine Fisheries Eelgrass Restoration Project. Motion passed on a roll call vote: Tom Gill, 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

SE18-1810: Martin/Stenbeck and Taylor; 59 Gurnet Road; Revetment

Joe Grady recommended postponing the issuance of a Certificate of Compliance at this time. The Commission agreed.

NEW BUSINESS:

- Robb D'Ambruoso reported the Commission is scheduled to meet with the Selectmen at their May 2, 2022 meeting regarding the Commission's Strategic Plan and the search for a new Conservation Administrator. In addition, Robb D'Ambruoso, Joe Grady and Mickey

McGonagle are scheduled to meet with the Town Manager regarding the same on April 26, 2022.

- Mickey McGonagle invited everyone to a Retirement Party for Joe Grady at his home on Thursday, August 4, 2022 at 5:00 p.m.

ADJOURNMENT: Corey Wisneski made a motion, seconded by Tom Gill, to adjourn the meeting at 8:05 p.m. Motion passed unanimously on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 6-0.

The next Conservation Commission meeting is scheduled for Tuesday, April 26, 2022 at 7:00 p.m.