



Town of Duxbury Conservation Commission

Minutes of May 10, 2022

Approved May 24, 2022

TOWN CLERK

2022 DEC 30 AM 9:33

DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, May 10, 2022 at 7:00 p.m. via remote Zoom videoconferencing.

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

Members Absent: Robb D'Ambruoso and Corey Wisneski

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

Meeting was called to order by Vice-Chair, Scott Zoltowski at 7:00 p.m.

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. 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: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes.

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Regular Session: April 26, 2022. Tom Gill made a motion, seconded by Holly Morris, to approve the Regular Session minutes of April 26, 2022. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

Joint Session with Selectboard: May 2, 2022. Tom Gill made a motion, seconded by Sam Butcher, to approve the Joint Session with the Selectboard minutes of May 2, 2022. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

Certificates of Compliance:

SE18-1958: Slayter/Duxbury Construction; 52 Lincoln Street; garage, guesthouse, deck and grading. Joe Grady stated the Certificate of Compliance for SE18-1958 is being postponed.

Request for Modification:

SE18-1983: Collin/South Shore Survey Consultants; 10 Huckleberry Lane; demo/rebuild single-family home. Mark Casey, South Shore Survey Consultants, reported the Zoning Board of Appeals required the project be pushed back 3.1 ft. There is no change in site coverage. Joe Grady stated the existing Order of Conditions for SE18-1983 can be modified to include the new Plan of Record.

Sam Butcher made a motion, seconded by Mickey McGonagle, to accept the modification to SE18-1983. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

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 stated the applicant has requested a continuance until June 7, 2022 at 7:10 p.m. in order to address items outlined in the peer review.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the Public Hearing for SE18-1995 until June 7, 2022 at 7:10 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Scott Zoltowski, yes. Motion carried 5-0.

ADMINISTRATIVE MATTERS:

Request for Modification:

SE18-1922: Savard/McKenzie Engineering Group; 7 Evergreen Terrace; pool

Joe Grady reported the applicant is seeking approval to move the pool equipment from its current location on the plan to inside the pool enclosure in the Buffer Zone. Mr. Grady recommended accepting the modification.

Tom Gill made a motion, seconded by Holly Morris, to accept the modification to SE18-1922. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

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

SE18-1992

Paul Brogna, Seacoast Engineering, reported on the May 9, 2022 Commission site visit. A revised plan has been submitted with new Resource Area delineations and the addition of the high tide mark. First floor finished elevation is a 13.0 ft. in compliance with the performance standards. Resource Areas have been identified as Land Subject to Coastal Storm Flowage and Coastal Dune. In compliance with Coastal Dune performance standards, there will be no changes between existing and proposed grades. The new driveway will be a pervious shell driveway. Commission consultant, Lenore White, stated all elements are now shown on the Plan of Record dated May 9, 2022. Ms. White suggested two Special Conditions: 1. The aggregate used to build the construction entrance be removed prior to installing the shell driveway and 2. The construction entrance be stabilized and revegetated. Sam Butcher stated his concern about "project creep" because the project site is very tight. He suggested bounds be memorialized to ensure coverage does not increase.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and issue an Order of Conditions, with the two additional Special Orders, for SE18-1992. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0

PUBLIC MEETING, DUXBURY CONSERVATION COMMISSION/DIVISION OF MARINE FISHERIES; ISLAND CREEK STREAM; STREAM CHANNEL MAINTENANCE PLAN.

Scott Zoltowski read the Request for Determination Legal Notice for the Island Creek Stream Maintenance Plan. Joe Grady presented the project for the MA Division of Marine Fisheries (DMF) and the Duxbury Conservation Commission to remove major debris and phragmites from the stream by hand. Mr. Grady stated Island Creek is an anadromous fish run, which was rebuilt several years ago using grants and volunteers. The Stream Maintenance Plan was prepared by DMF with the work proposed for late fall or early winter 2022. Two weeks ago, DMF stocked herring in Island Creek Pond. They plan to repeat the fish stocking in 2023 and 2024. Island Creek is considered to be a small viable anadromous fish run.

Tom Gill made a motion, seconded by Holly Morris, to issue a Negative Determination for the Island Creek Stream Maintenance Plan. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0

**PUBLIC HEARING; COLUCCI/ DUXBURY CONSTRUCTION, LLC; 0 MARSHALL STREET;
STEPS AND CATCH BASIN
SE18-2008**

Scott Zoltowski read the Legal Notice for SE18-2008. Freeman Boynton, Duxbury Construction, LLC., presented the project for owner, Derek Colucci. The steep slope and beach at 0 Marshall Street regularly erode during storm events. The project consists of adding 14 granite stairs with a catch basin at the top of the stairs to minimize scouring and slow erosion, thereby making the way to the beach more usable. Twenty-nine properties have been identified as having deeded rights to the beach at this location. Rudy and Mary Langner, Quail Run, owners of a home with deeded rights, stated all 29 identified property owners are in support of the project. Maintenance of the catch basin was discussed. It was suggested the catch basin be covered until the slope is revegetated following construction.

Tom Gill made a motion, seconded by Mickey McGonagle to close the Public Hearing and write an Order of Conditions for SE18-2008. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

ADMINISTRATIVE MATTERS:

Status of shed at Crowell Bog: Nancy Rufo showed photos of the deteriorating shed at Crowell Bog. Power has been shut off to the building and Joe Grady recommends demolishing the building. He needs the Commission's approval to do so. The DPW will demolish the building. The dumpster cost to remove the exterior steel panels will be approximately \$1800.

Holly Morris made a motion, seconded by Sam Butcher, to approve the removal of the Crowell Bog barn. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

Conservation Fund expenditure – printing of additional trail maps: No vote is necessary. The third Trail Map printing will be paid for with operating funds.

Conservation Commission Meeting Schedule:

- Addition of July through December dates
- Return to in-person meetings beginning May 24th

Project Updates:

Isaac Simmons Farm: Complimenting the Harrington Working Group, Joe Grady reported on the progress to date in preparing the Isaac Simmons Farmhouse for sale. He reported the following: there are three use areas around the house, the Historic District has been approved by the Attorney General, and the Historic Preservation Restriction is currently being reviewed by MA Historical Commission. The house and three acres of land are expected to be put on the market this summer.

Delorenzo Farm: Joe Grady reported the Delorenzo Group has vetted the applicant to the Delorenzo RFP. They find Brett Sovick well qualified and seek the Commission's approval of Mr. Sovick as the Delorenzo Farm lessee. Following the Commission's approval, the Town Manager must also approve Mr. Sovick as the lessee.

Holly Morris made a motion, seconded by Tom Gill, to approve Brett Sovick as lessee farmer on the Delorenzo property. Sam Butcher recused himself from the vote. Motion passed on a roll call vote: Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 4-0.

EXECUTIVE SESSION

Sam Butcher made a motion, seconded by Holly Morris, to enter Executive Session for the purpose of considering the purchase, exchange, lease or value of real estate, if the chair

declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to adjourn the Regular Session immediately following the Executive Session. Vice Chair, Scott Zoltowski declared the need for an Executive Session since an open meeting discussion could have a detrimental effect on the town's negotiating position. Motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0.

ADJOURN: Sam Butcher made a motion, seconded by Scott Zoltowski, to adjourn the Regular Session and Executive Session at 8:25 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes; Motion carried 5-0.

The next Conservation Commission meeting is scheduled for Tuesday, May 24, 2022 at 7:00 p.m. in the Mural Room of Town Hall.