



Town of Duxbury Conservation Commission

TOWN CLERK
2021 JUN 17 AM 10:03
DUXBURY, MASS.

Minutes of May 11, 2021

The Duxbury Conservation Commission met on Tuesday, May 11, 2021 at 7:00 p.m. via a remote Zoom meeting.

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

Members Absent: None

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

Meeting was called to order by Chair, Corey Wisneski at 7:00 p.m.

Ms. Wisneski read the following preamble: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, 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 listed on the Agenda. No in- person attendance of members of the public will be permitted. Every effort will be made to ensure the public can adequately access the proceedings to the best of our technical abilities.

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

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session: April 27, 2021. Approval of April 27, 2021 minutes were postponed until the May 25, 2021 meeting.

7:03 p.m. Robb D'Ambruoso arrived at the meeting.

Certificates of Compliance:

SE18-1910; 184 Marshall Street: On a request by Duxbury Construction, LLC. and receipt of an as-built plan, Joe Grady inspected the property and found the project in compliance with the Order of Conditions. He recommended issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Holly Morris, to issue a Certificate of Compliance for SE18-1910. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

SE18-1779; 57 Josselyn Avenue: On a request by Duxbury Construction, LLC. and receipt of an as-built plan, Joe Grady inspected the property and found the project in compliance with the Order of Conditions. He recommended issuing a Certificate of Compliance.

Holly Morris made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1779. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 42 SUNSET ROAD; POOL & POOL HOUSE:

SE18-1961

Corey Wisneski read the Public Hearing Legal Notice. Freeman Boynton, Duxbury Construction, LLC, presented the project for homeowner Paul Ripley. The project is for construction of a salt water pool and pool house. The pool house is outside the 100 ft. Buffer Zone. The pool is inside the 100 ft. Buffer Zone with 14.8 % coverage (15% is allowed). Landscape plantings will be installed between the house and the neighbor. Resource Areas include a saltmarsh and a 200 ft. Riverfront Area. Joe Grady stated the project meets the Commission's Rules and Regulations and setbacks, but the plan must be amended to change the Resource Area designation from "BVW" to "saltmarsh", he recommends writing an Order of Conditions once the plan is amended. Joe Grady also noted high tide bush on the property. Discussion followed on saltmarsh migration and sea level rise. Abutter, Charlie Grace, noted the changes in tide levels and the need to raise their yard elevations. Mr. Boynton suggested the two families work together on that project.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write an Order of Conditions referencing the modified plan for SE18-1961. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Cory Wisneski, yes. Motion carried 6 to 0.

PUBLIC MEETING; DUXBURY CONSTRUCTION, LLC; 5 CLOVER CIRCLE; SEPTIC SYSTEM REPLACEMENT:

Corey Wisneski read the Public Meeting Legal Notice for 5 Clover Circle. Freeman Boynton, Duxbury Construction, LLC. presented the septic system replacement project. Because an Intermittent Stream and other Resource Areas are off the property but nearby, it was not possible to get the entire new system out of the Buffer Zone. The septic system was moved as far away from the Resource Area as possible, leaving the 1500-gallon tank in the Buffer Zone. In response to a question, Mr. Boynton stated the old system would be filled in by hand to make it nonfunctional. A silt barrier will be installed to prevent impact to the wetland. Joe Grady stated the wetland is accurately depicted on the plan and he recommends a Negative Determination.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Negative Determination for 5 Clover Circle. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruosos, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

7:20 p.m. Tom Gill arrived at the meeting.

CONTINUED PUBLIC HEARING; STENBECK & TAYLOR; 0 MAYFLOWER STREET; SINGLE FAMILY HOME & SEPTIC SYSTEM:

SE18-1911

Applicant has requested a continuance until July 27, 2021 while they redesign the project.

Scott Zoltowski made a motion, seconded by Tom Gill, to continue the Public Hearing for SE18-1911 until July 27, 2021. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

ENFORCEMENT; RUSSELL/LLOYD; 38 HORNBEAM ROAD/1 HARDEN HILL ROAD; VEGETATION CUTTING.

Parties present for the discussion included: Mr. and Mrs. Russell, their Attorney, Robert Galvin and their Professional Wetland Scientist and Certified Arborist, Brad Holmes, Wetlands & Waterways; for the Conservation Commission, Lenore White, Wetlands Strategies, Professional Wetlands Scientist; and Nicole Costanzo, Town Counsel. Also present was landowner, Mr. Lloyd.

Lenore White, consultant to the Commission, reviewed her history of the project and her response the recent Revised Restoration Plan. In Ms. White's opinion the Restoration Plan should include larger shrubs and trees. Attorney Galvin reviewed the project's administrative history and stated he felt requirements for project resolution were constantly changing. Brad Holmes, consultant to the Russell's, reviewed his history of the project and the reasons for his revisions to the Restoration Plan. A lengthy discussion followed among all parties. The discussion included: The Settlement Agreement, the size of replanted trees and shrubs, wood and slash pile removal, use of machinery and an access path, replicating 400 inches BDH of trees lost, questions on the process, restoration of a forested wetland ecosystem and wave action in the Velocity Zone. When asked Town Counsel, Nicole Costanzo stated Ms. White can be specific as to vegetation sizes in her restoration requirements. Ms. Costanzo also stated Ms. White and Mr. Holmes can work directly with each other to get to a mutually agreeable solution. Ms. White stated she will follow up in writing any agreement she and Mr. Holmes reach. Corey Wisneski stated the Commission needs a final Restoration Plan with specific sizes for the shrubs and trees.

The discussion will continue at the next Commission meeting on May 25, 2021. Joe Grady noted the next meeting is in two weeks and the revised Restoration Plan will need to be distributed to the Commissioners for their review very soon. A vote to move forward was not needed.

ADMINISTRATIVE MATTERS:

Hold Meeting to close bridle paths on Delano Conservation Land: Without permission, several bridle paths have been cut on the Old Cordwood Path Delano conservation property. Joe Grady asked the Commission hold a Public Meeting at the May 25, 2021 meeting to develop Rules and Regulations prohibiting horseback riding on the property so the bridle paths can be closed off. Mr. Grady noted he was looking for the most direct and simplest solution to the problem.

Precedents & Non-Compliance with Original Plans: Mickey McGonagle presented a memo based on the work of a subcommittee which included Mickey McGonagle, Holly Morris and Scott Zoltowski. Mr. Zoltowski developed a draft policy, noting the Commission cannot waive Regulations. The purpose of the subcommittee's work is to develop specific project standards, establish procedures for complex projects and address Order of Conditions non-compliance. One goal of the changes is to shift compliance of complex projects to the applicant's contractors and the relieve Commission meetings of ongoing non-compliance issues. Mr. Zoltowski noted the recommendations are for clarification and do not require a vote at this time. A vote on Notice of Intent procedures will take place at a later date.

Pine Point Encroachment: A draft Pine Point Cross Easement has been developed to solve the problem of access over private property for Town vehicles and access over town land for the private homeowners at Pine Point Road. Referring to the draft easement, Joe Grady stated having the town maintain the easement was not acceptable and the homeowners do not want to dig up the turn-around, but it could be blocked off. The Commissioners agreed to send the Easement to Town Counsel for review.

Request for Modification: SE18-1867; 234 Gurnet Road. In order to solve a site problem, the homeowners are requesting the addition of a 6 ft long wall to the existing Order of Conditions. Joe Grady has met with the homeowners and he approves the Order of Conditions modification.

Sam Butcher made a motion, seconded by Tom Gill to amend the Order of Conditions for SE18-1867 to allow for the wall. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

Code of Conduct Meeting: Nancy Rufo advised the Commission that a Code of Conduct meeting will be held on May 12 from 11:30 am to 1 p.m. All Commissioners are encouraged to attend.

Adjournment: Tom Gill made a motion, seconded by Sam Butcher, to adjourn the meeting at 8:55 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, May 25, 2021 at 7:00 p.m.