



Approved June 7, 2022

Town of Duxbury Conservation Commission

TOWN CLERK

2022 DEC 30 AM 9:33

DUXBURY, MASS.

Minutes of May 24, 2022

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, May 24, 2022 at 7:00 p.m.

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

Members Absent: Tom Gill

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. He introduced seated Commissioner members.

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Regular Session: May 10, 2022. Scott Zoltowski made a motion, seconded by Sam Butcher, to approve the Regular Session minutes of May 10, 2022. Motion passed unanimously 6-0.

Executive Session: May 10, 2022. Scott Zoltowski made a motion, seconded by Sam Butcher, to approve the Executive Session minutes of May 10, 2022 not for public release. Motion passed unanimously 6-0.

Discussion related to COVID tolling of permits. Robb D'Ambruoso and Nancy Rufo related information regarding when permits will expire following the July 15, 2021 end of the Massachusetts State of Emergency. Reference to specific dates should be made to the document entitled, "Joint Guidance on Permit Tolling Following the End of the State of Emergency" issued by the Executive Office of Energy and Environmental Affairs and the Executive Office of Housing and Economic Development.

CONTINUED PUBLIC HEARING; CURRIER/DUXBURY CONSTRUCTION, LLC; 230 MARSHALL STREET; STONE REVETMENT AND DRIFT FENCE SE18-1976

Freeman Boynton, Duxbury Construction, LLC presented this ongoing project for owner James Currier. Wetland consultant Lenore White, Joe Grady and Freeman Boynton delineated the on-site Resource Areas. The Upland and Coastal Dune require different methods to secure the areas from coastal erosion. The Upland on the north and south of the Coastal Dune will be secured with stone revetment, which will connect to the abutter's seawall to the north. The Coastal Dune will be secured with a double row of sturdy drift fence with cobble between the two fences. Joe Grady stated the drift fence with cobble is considered to be a "soft approach" for securing the coastal dune area between the pond and Duxbury Bay.

Sam Butcher made a motion, seconded by Holly Morris, to write an Order of Conditions and close the Public Hearing for SE18-1976. Motion passed unanimously 6-0.

PUBLIC HEARING, Lefebvre; 33 MARGINAL ROAD; ADDITION SE18-2009

Robb D'Ambruoso read the Legal Notice for SE18-2009. Mr. Lefebvre presented the project for a small addition to his home. The project is located on a Barrier Beach, Land Subject to Coastal Storm Flowage and the Buffer Zone of a saltmarsh. The finished addition will be at elevation 11.5 ft. The

flood elevation is at 10 ft. Joe Grady stated the addition elevation was adequate and he recommended writing an Order of Conditions.

Corey Wisneski made a motion, seconded by Holly Morris, to write an Order of Conditions and close the Public Hearing for SE18-2009. Motion passed unanimously 6-0

CONTINUED PUBLIC HEARING, DANIELS/GRADY CONSULTING; 2 SHANTUM LANE; POOL. Dux2022-01 (Local Bylaw only)

Joe Grady stated there has been no communication from Mr. Daniels and he suggested one more continuance of the Public Hearing to June 21, 2022 at 7:10 p.m.

Corey Wisneski made a motion, seconded by Sam Butcher, to continue the Public Hearing for Dux2022-01 to June 21, 2022 at 7:10 p.m. Motion passed unanimously 6-0

Review of Duxbury Rural & Historical Society (DRHS) Conservation Restriction: Pat Loring reported the DRHS plans to place a Conservation Restriction on a group of five properties: Marita Russell Sanctuary, Hunt Park and three saltmarsh parcels on King Caesar Road and St George Street. The Conservation Commission holds two other DRHS CRs (CR #45 and CR #46). Ms. Loring requested the Commission agree in concept to hold the next DRHS CR. Details of the CR will follow.

Corey Wisneski made a motion, seconded by Holly Morris, to approve the concept of the Conservation Commission holding the next DRHS CR. Motion passed 4-0-2 with two abstentions (Sam Butcher and Scott Zoltowski are members of the DRHS Lands Committee)

PUBLIC HEARING; SEELY/ DUXBURY CONSTRUCTION, LLC; 187 KING CAESAR ROAD; SFH (Amend OOC)

SE18-1936

Robb D'Ambruoso recused himself from the proceedings. Scott Zoltowski read the Legal Notice for an amendment to the SE18-1936 Order of Conditions. Freeman Boynton, Duxbury Construction, LLC, presented the project for owner Chris Seely, who was present. The Order of Conditions amendment plan had been presented and discussed with the Conservation Commission at their February 15, 2022 meeting. In order to mitigate stormwater runoff from the site, onto the abutter's property at 155 King Caesar Road, a granite wall, swale and new plantings will be added. Mike Quinlan, abutter on the other side, commented that he wanted to be sure the grades on his side of the Seely property are exactly according to plan at the project's completion. Freeman Boynton responded he will make sure the grades comply with the Plan of Record. He also stated the seawall, wing walls, grades and drainage have not yet been completed. Details of work to be completed are stated in Duxbury Construction letters dated November 2, 2021, November 23, 2021 and Revision to Orders dated February 15, 2022.

Sam Butcher made a motion, seconded by Mickey McGonagle, to amend the SE18-1936 Order of Condition to include the new Plan of Record and to close the Public Hearing. Motion passed unanimously 5-0-1 (Robb D'Ambruoso abstention).

PUBIC HEARING; SEELY/DUXBURY CONSTRUCTION LLC.; 187 KING CAESAR ROAD; SEAWALL (Amend OOC)

SE18-1951

Robb D'Ambruoso recused himself from the proceedings. Scott Zoltowski read the Legal Notice for an amendment to the SE18-1951 Order of Conditions. The same new Plan of Record and discussion apply to this Order of Conditions amendment as to SE18-1936.

Sam Butcher made a motion, seconded by Mickey McGonagle, to amend the SE18-1951 Order of Condition to include the new Plan of Record and to close the Public Hearing. Motion passed unanimously 5-0-1 (Robb D'Ambruoso abstention).

PUBLIC MEETING; CONSERVATION COMMISSION; 0 CONGRESS STREET; REMOVAL OF CROWELL BOG BARN.

Joe Grady presented a Request for Determination to remove the deteriorated aluminum sided Crowell Bog barn which is in the Buffer Zone of the former cranberry bog. Photos of the barn's condition were displayed.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Negative Determination for the Crowell Bog barn removal. Motion passed unanimously 6-0.

**PUBLIC HEARING; PRIESTER/MERRILL ENGINEERING; 204 SURPLUS STREET; BARN/BOAT GARAGE AND DRIVEWAY
SE18-2010**

Mark Boutillier presented the project to demolish a small garage and workshop and replace it with a larger barn/garage and driveway. Joe Grady stated he agrees with the flagged wetland line, all work will be 50 ft. or greater from the wetland and the project complies with the Commission's Rules and Regulations. He recommended writing an Order of Conditions.

Sam Butcher made a motion, seconded by Mickey McGonagle, to write an Order of Conditions and close the Public Hearing for SE18-2010 to construct and garage and driveway. Motion passed unanimously 6-0.

Trail Clearing Violations on Town Conservation Land. Joe Grady stated there is a long-term violation of trail work on Town Conservation Land off Cherry Lane. Some of the trail "holes" are five feet deep and pose a danger and a liability. Scott Zoltowski and Sam Butcher have been monitoring the situation with no clear solutions. New signage was suggested. Trail structures must be removed. Determining the illegal trail users and starting a dialog is needed. Sam Butcher will begin by researching Letters to the Editor regarding unauthorized trail use that have been published previously in the *Duxbury Clipper*. Also, trails have been cut and bridges installed without permission in Ashdod Forest. Ashdod Forest is a conservation area intended to be left remote and wild. Joe Grady will follow up to determine who is responsible. Commission members were supportive of the recommended follow-up actions.

Conservation Fund Expenditure for Removal of Crowell Bog Barn. Joe Grady requested approval of the Crowell Barn removal costs. Disconnecting the power to the Barn will cost \$590 and dumpsters for the building removal will cost \$1700, for a total cost of \$2290. The Duxbury DPW will do the work.

Scott Zoltowski made a motion, seconded by Holly Morris, to approve the cost of \$2290.00 for the Crowell Barn removal. Motion passed unanimously 6-0.

NEW BUSINESS

There was no new business brought before the Commission

EXECUTIVE SESSION

Corey Wisneski made a motion, seconded by Mickey McGonagle, to go into Executive Session for the purpose of discussing pending litigation since an Open Meeting may 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, and that the Commission will adjourn immediately after the completion of this Executive Session.

Chair, Robb D'Ambruoso stated, "I declare the necessity for an Executive Session to discuss potential litigation as to do so in an Open Meeting may have a detrimental effect on the town's negotiating position.

Motion passed 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 passed unanimously 6-0.

ADJOURN: Sam Butcher made a motion, seconded by Scott Zoltowski, to adjourn the Executive Session and Open Session at 8:20 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.

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