



Approved June 8, 2021

TOWN CLERK

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Town of Duxbury Conservation Commission

DUXBURY, MASS.

Minutes of May 25, 2021

The Duxbury Conservation Commission met on Tuesday, May 25, 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; and Holly Morris

Members Absent: Scott Zoltowski

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; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes.

ADMINISTRATIVE MATTERS:

Request for Modification: SE18-1929; 43 South Station St.; update deck dimensions: A modified plan dated 5/24/21 has been submitted. The plan modification shows a larger deck with new site coverage of 7.2%, under the 15% maximum. Joe Grady recommended accepting the modified plan as the Plan of Record.

Sam Butcher made a motion, seconded by Tom Gill, to accept the modified plan dated 5/24/21 as the Plan of Record. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Minutes for Approval:

Regular Session: April 27, 2021: Sam Butcher made a motion, seconded by Tom Gill, to approve the minutes of April 27, 2021. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6-0.

Regular Session: May 11, 2021: With three corrections, Sam Butcher made a motion, seconded by Tom Gill, to approve the minutes of May 11, 2021 as amended. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6-0.

EXECUTIVE SESSION: LAND ACQUISITION: Chair, Corey Wisneski moved that the Conservation Commission go into Executive Session. She declared the need for an Executive Session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the town and to consider the purchase, exchange, lease or value of real property since an open meeting may have a detrimental effect on the negotiating position of the town, in accordance with Mass. General Laws Chapter 30A, Section 21." She stated the Executive Session would adjourn when completed and the Commission will reconvene in Open Session.

The motion was seconded by Holly Morris. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Corey Wisneski, yes. The motion carried 6-0.

Following the Executive Session, the Conservation Commission reconvened in Open Session at 7:35 p.m.

CONTINUED PUBLIC HEARING; HUSK/ECR; 160 MARSHALL STREET; COASTAL BANK REVETMENT AND PLANTINGS

SE18-1933

Freeman Boynton, Duxbury Construction, LLC, representing landowner, Charles Husk, stated he reviewed the project with Brad Holmes, ECR, Wetland Scientist. Mr. Boynton presented plans showing existing and proposed conditions. Proposed Coastal Bank revetment and stabilization consists of keeping the existing trees, using COIR rolls and high tide bush to secure the bank and stabilizing the Coastal Bank with stone revetment, filter fabric and "chinkers". Brad Holmes reviewed the Notice of Intent which includes using native plants and beach grass to revegetate the area above the revetment edge. One-gallon high tide bushes will be used every square foot to secure small areas not stabilized with revetment. A short discussion followed on other pending property issues.

Tom Gill made a motion, seconded by Holly Morris, to close the Public Hearing and write Orders of Conditions for SE18-1933. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

CONTINUED PUBLIC HEARING; READ/STENBECK & TAYLOR; 224 GURNET ROAD; SINGLE FAMILY HOME

SE18-1945

Applicant has requested a continuance.

Sam Butcher made a motion, seconded by Tom Gill, to continue the Public Hearing for SE18-1945 to June 29, 2021 at 7:05 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; Corey Wisneski, yes. Motion carried 6 to 0.

**CONTINUED PUBLIC HEARING; MCLAUGHLIN/SEACOAST ENGINEERING; 37 OCEAN ROAD NORTH; SITE IMPROVEMENTS AROUND SEAWALL
SE18-1952**

Paul Brogna, Seacoast Engineering, reviewed the background of the project. Mr. Brogna met with DPW Director, Peter Butkus, to find a solution for site work behind the 37 Ocean Road North seawall where there is a town easement. Peter Butkus accepted, with minor changes, a revised plan for work within the easement. He recommends removing one more course of timbers from the timber wall and not using any concrete posts. He supports the return to 2018 elevations. Mr. Grady confirmed Mr. Butkus' response. Mr. Grady stated he remains concerned about hard objects i.e. timbers in the Velocity Zone. Fill is not an issue. Land Subject to Coastal Storm Flowage in a Velocity Zone is an extremely sensitive Resource Area subject to storm impacts. Mr. Grady recommended approving all but the retaining wall. Other parts of the project include: construction of a parking area on the street side, a deck and an air conditioner platform. Mrs. Scheibler, a neighbor at 41 Ocean Road North, stated she was concerned about the amount of fill. Mr. Brogna noted the Plan of Record does not match the stamped plan.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing for SE18-1952, approve the Notice of Intent construction of the parking area, deck and air conditioner platform, but not the wall, which must be removed within 45 days. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**PUBLIC HEARING; MAHMUD/DUXBURY CONSTRUCTION; 60 CRESCENT STREET;
REMOVABLE GANGWAY AND FLOAT
SE18-1962**

Corey Wisneski read the Public Hearing Legal Notice. Freeman Boynton, Duxbury Construction, LLC, presented the project for a removable gangway and float at 60 Crescent Street next to Howlands Landing Park. There is existing stone revetment at the site. The proposal is to add a granite block to the top of the stone revetment, and attach a 3 ft. x 30 ft aluminum gangway with a 10 ft. x 20 Ft. wooden float. The gangway and float will be removed seasonally. The distance to the nearest pier is 65 ft. Discussion followed on pier regulations.

Sam Butcher made a motion, seconded by Holly Morris, to closed the Public Hearing and write Orders of Conditions for SE18-1962. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

**PUBLIC HEARING; LEACH/SOUTH RIVER ENVIRONMENTAL; 10 PINE POINT PLACE;
LANDSCAPING
SE18-1963**

Corey Wisneski read the Public Hearing Legal Notice. John Zimmer, South River Environmental, presented the project. Landscaping is now more extensive than last month's Request for Determination. A saltmarsh wraps around two sides of 10 Pine Point Place which is Land Subject to Coastal Storm Flowage. The property contains a house and guest house. The proposed project is to reconstruct and enlarge the guest house patio, extend the gas service to the end of the guest house and add sod to increase the lawn area. Joe Grady stated there is an increase in coverage from 34% to 37%, the entire site is a Resource Area and the patio enlargement is a problem. Some of the patio is grandfathered, but not the increased size and the patio cannot be closer than 25 ft. to the saltmarsh. Mr. Madden, a neighbor at 19 Pine Point Road was also present. John Zimmer requested time to consult with the landowner.

Sam Butcher made a motion, seconded by Tom Gill, to continue the Public Hearing for SE18-1963 until June 8, 2021 at 7:20 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; Corey Wisneski, yes. Motion carried 6 to 0.

PUBLIC MEETING; WILLIAMS (76 CAPTAINS HILL ROAD)/THEMISTOKLEOUS (78 BAY ROAD)/ SEACOAST ENGINEERING; TREE REMOVAL

Paul Brogna, Seacoast Engineering, presented the project for vista tree pruning and tree removal along Bay Road. Brad Holmes developed a Vista Pruning Plan using an aerial crane so there will be no disturbance in the Buffer Zone or Resource Area. Joe Grady asked that the trees be marked in the field and marked on the Plan. Showing the wetland line on the plan was also requested. It was noted there is a street drain on the site. Once the revised plan is received a site visit will be scheduled.

Holly Morris made a motion, seconded by Sam Butcher, to continue the Public Meeting to June 29, 2021 at 7:10 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; Corey Wisneski, yes. Motion carried 6 to 0.

ENFORCEMENT; GRASSELLI; 23 EAGLES NEST; VEGETATION CUTTING RESTORATION PLAN

Freeman Boynton, Duxbury Construction, LLC, presented the Enforcement Order history. Joe Grady; Lenore White, Wetlands Strategies, consultant to the Commission; Brad Holmes, ECR, consultant to the Grassellis; and Freeman Boynton met onsite on May 19, 2021. They found the saltmarsh reestablished and many invasive plants present. Ms. White reviewed Mr. Holmes' Restoration Plan, and suggested changes based on the 5/19/21 site inspection. Brad Holmes then submitted a new Plan which includes a 25 to 100 ft. Buffer Zone with 10 new trees, to be selected by Brad Holmes, and high tide bush. Removal of the brush and slash and no additional cutting are also required. Ms. White approved the revised Restoration Plan with cleanup of debris and three years of monitoring. 111 plants will be added. Mr. Holmes will add "conservation markers" (posts with bird houses) to alert everyone to the Buffer Zone edge. Joe Grady suggested the Commission accept the Restoration Plan dated 5/19/21.

Sam Butcher made a motion, seconded by Tom Gill, to accept the Restoration Plan dated 5/19/21. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

ENFORCEMENT; RUSSELL/LLOYD; 38 HORNBEAM ROAD; VEGETATION CUTTING

Lenore White, Wetlands Strategies, consultant to the Commission, reported she met with Brad Holmes, ECR, consultant to the Russells, following the last Conservation Commission meeting. They came to an agreement on the following strategy: 1) Start restoration from seaward and progress landward, 2) stake the new plants in the field, making sure species are salt tolerant, 3) Plant trees 5 ft. to 6 ft. in height to avoid using heavy equipment in the coastal flood zone, and 4) create a small access area with erosion control materials ready, if needed. Ms White received the revised Restoration Plan yesterday and will need to review it. The Russell's Attorney, Bob Galvin, stated he was copied on all the material since the last meeting and all parties did exactly as requested. In order to give Lenore White time to review the Revised Restoration Plan, the Enforcement Order meeting will be continued.

Tom Gill made a motion, seconded by Sam Butcher, to continue the Enforcement Order meeting to June 8, 2021 at 7:25 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; Corey Wisneski, yes. Motion carried 6 to 0.

ADMINISTRATIVE MATTERS:

Adopt Precedents & Non-Compliance Policy (Appendix B) (report timeline needed):

The Precedents & Non-Compliance Policy was reviewed and agreed upon at the May 11, 2021 Conservation Commission meeting.

Sam Butcher made a motion, seconded by Holly Morris, to adopt the Precedents and Non-Compliance Policy as Appendix B to the Commission's Rules and Regulations. The included bullet points to be used by the Conservation Administrator as appropriate. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Approve funding from Conservation Fund for trail map printing (\$1428.)

Sam Butcher made a motion, seconded by Tom Gill, to approve spending \$1428. to print the new Duxbury Trail Maps. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Corey Wisneski, yes. Motion carried 6 to 0.

2021 meeting Schedule, and discussion on continuing Zoom format.

The next Conservation Commission meeting on June 8, 2021 will continue in the Zoom video conferencing format.

Commission terms ending (Robb D'Ambruoso and Mickey McGonagle)

Both Robb D'Ambruoso and Mickey McGonagle whose terms expire on June 30, 2021 indicated they will seek new terms. Everyone was delighted.

Recognizing Holly Morris for MACC Certificate of Achievement

Holly Morris was congratulated for completing the MACC Certification Program. Acknowledgement of her achievement was sent to the Select Board by MACC.

Recognizing Sam Butcher for 25 years as a Conservation Commissioner

Sam Butcher was congratulated and thanked for his 25 years of service as a Duxbury Conservation Commissioner.

Adjournment: Robb D'Ambruoso made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 9:10 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; Corey Wisneski, yes. Motion carried 6 to 0.

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, June 8, 2021 at 7:00 p.m.