



Approved June 29, 2021

Town of Duxbury
Conservation Commission
TOWN CLERK
2021 JUL 14 PM 2:52
DUXBURY, MASS.

Minutes of June 8, 2021

The Duxbury Conservation Commission met on Tuesday, June 8, 2021 at 7:00 p.m. via remote Zoom videoconferencing.

Members Present: Corey Wisneski, Chair; Sam Butcher; Mickey McGonagle; Holly Morris and Scott Zoltowski

Members Absent: Robb D'Ambruoso and Tom Gill

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.

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Regular Session: May 25, 2021. Sam Butcher made a motion, seconded by Holly Morris to approved the May 25, 2021 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

Executive Session: May 25, 2021. Sam Butcher made a motion, seconded by Mickey McGonagle to approved the May 25, 2021 Executive Session minutes not to be distributed. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

Partial Certificate of Compliance:

SE18-1855; 5 Cooper Hill Road (Partial COC). Joe Grady inspected the property, found it partially in compliance with the Order of Conditions and recommended the Commission issue a partial Certificate of Compliance.

Holly Morris made a motion, seconded by Mickey McGonagle to issue a partial Certificate of Compliance for SE18-1855. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

Requests for Modification:

SE18-1828; 5 Dogwood Drive (Lot H); change to house configuration. Sam Butcher recused himself from the discussion. Joe Grady stated the project modifications conform with the existing Order of Conditions. He recommended accepting the new Plan of Record.

Mickey McGonagle made a motion, seconded by Holly Morris to accept the modifications for SE18-1828. Motion passed unanimously on a roll call vote: Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 4 – 0.

SE18-1909; 9 Dogwood Drive (Lot F); site work (clearance on side of house) Sam Butcher recused himself from the discussion. Joe Grady stated the additional site clearing conforms with the existing Order of Conditions. He recommended accepting the new Plan of Record.

Mickey McGonagle made a motion, seconded by Holly Morris to accept the modifications for SE18-1909. Motion passed unanimously on a roll call vote: Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 4 – 0.

SE18-1832; 1 Abrams Hill; cottage rebuild. Joe Grady reported although the house will now be demolished, not rebuilt, the project still conforms to the existing Order of Conditions and he recommended accepting the modification.

Scott Zoltowski made a motion, seconded by Holly Morris to accept the modifications for SE18-1832. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

**CONTINUED PUBLIC HEARING; BANNER CONSTRUCTION/SOUTH SHORE SURVEY CONSULTANTS; 761 TEMPLE STREET; ANRAD
SE18-1871**

The applicant has requested a continuation to December 2021. Joe Grady recommended continuing the Public Hearing to June 29, 2021 at 7:15 p.m. The town now owns the property. The application must be modified to reflect the change in ownership. Mr. Grady will contact the applicant.

Scott Zoltowski made a motion, seconded by Sam Butcher to continue the Public Hearing for SE18-1871 to June 29, 2021 at 7:15 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

State of Emergency: Joe Grady reported Governor Baker's State of Emergency will be lifted on June 15, 2021 at which time municipal boards and committees will be required to return to in-person meetings unless new legislation is passed. The next Conservation Commission meeting on June 29, 2021 will be held in person in the Town Hall Mural Room.

**ENFORCEMENT; HAMMEL; 246 GURNET ROAD; CONTINUOUS FOUNDATION ISSUE
SE18-1939**

On May 11, 2021 Joe Grady issued an Enforcement Order to Richard Burchill, Minot Building, for a continuous foundation constructed at 246 Gurnet Road. The continuous foundation is not allowed in the Order of Conditions. Also, no plan was received for the project as was requested. Discussion followed on the new Rules and Regulations Appendix which addresses the issue of non-compliance. Mr. Burchill had signed a letter stating he read, understood and would comply with the Orders of Conditions. A Clerk of the Works paid for by the contractor may be needed.

Mr. Grady recently revisited the site and found it in compliance with the Order of Conditions. He has released the Enforcement Order.

Scott Zoltowski made a motion, seconded by Sam Butcher to confirm the Enforcement Order for SE18-1939. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

PUBLIC HEARING; ADOPT RULES FOR USE OF CONSERVATION LAND PARCEL #086-502-012.

An abutter to Old Cordwood Path Conservation Parcel #086-502-012 cut bridle paths throughout the property. The new rules for use of this property prohibiting horseback riding will be in addition to Duxbury Conservation Land Rules and Regulations. The bridle paths have been closed off to allow for regrowth. Footpaths remain open. Joe Grady recommends adopting the new Rules & Regulations for Use of Town of Duxbury Conservation Land Located Off Old Cordwood Path (Assessor Parcel Number #086-502-012).

Sam Butcher made a motion, seconded by Holly Morris, to adopt the Rules & Regulation for Use of Town of Duxbury Conservation Land Located off Old Cordwood Path (Assessor Parcel Number #086-502-012). Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

SITE VISIT; BAY ROAD TREE PRUNING

Joe Grady reported the Bay Road trees slated for pruning have been marked in the field and Commissioners can drive by individually to see the proposed work. Corey Wisneski asked if the wetland line had been added to the Plan of Record as requested. It has not.

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

John Zimmer, South River Environmental, met with his client. The proposed patio has been reduced in size and shifted slightly to conform with Buffer Zone regulations. A revised plan has been submitted. Joe Grady stated the project conforms to the Rules and Regulations and he recommends writing an Order of Conditions.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-1963. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

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

Lenore White, Wetland Strategies, Inc., consultant to the Commission, reviewed the Revised Restoration Plan entitled "Wetland Restoration Narrative" prepared by Brad Holmes, ECR, consultant to the Russells. Ms. White approved the Revised Restoration Plan which includes salt tolerant plants from a Barnstable County list and spring inspections each year to determine plant survival and if replanting is necessary. Mr. Holmes noted the monitoring, follow up and watering of new plantings is included in the Wetland Restoration Narrative under the sections on Monitoring and Maintenance. Ms. White recommended the Commission add a Condition that modification to the plantings may be needed in the future if site conditions change. Sam Butcher emphasized the seriousness of the complete alteration of this wetland system. Mr. Lloyd's recent

letter, stating his dissatisfaction with the replacement tree sizes, was acknowledged. Attorney Robert Galvin, the Russell's Attorney, stated he had been copied on all correspondence since the last Commission meeting. Joe Grady stated the Revised Restoration Plan needs a title and date. Mr. Holmes said it would be forthcoming.

Sam Butcher made a motion, seconded by Mickey McGonagle, to accept the June 3, 2021 "Wetland Restoration Narrative" and "Restoration Area Schematic to accompany ECR 6-3-21 Wetland Restoration Narrative" and additionally to add the Condition that the Monitoring Program will be approved after 3 years at the Conservation Commission's discretion. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

ADMINISTRATIVE MATTERS:

Recognizing Sam Butcher for 25 years on the Conservation Commission (appointed 6/10/1996)

The Commissioners thanked and congratulated Sam Butcher on his many years of service and his significant contributions to the Commission and to the town.

Adjournment: Sam Butcher made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 7:50 p.m.

Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 5 – 0.

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, June 29, 2021 at 7:00 p.m.