



Town of Duxbury Conservation Commission

Approved July 4, 2020

TOWN CLERK

2020 SEP 17 PM 3:19

DUXBURY, MASS.

Minutes of June 16, 2020

The Duxbury Conservation Commission met on Tuesday, June 16, 2020 at 10:30 AM via remote Zoom meeting.

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

Members Absent: none

Staff Present: Joe Grady; Conservation Administrator; Susan Ossoff, Administrative Assistant

Chair Corey Wisneski called the meeting to order at 10:30 am. She confirmed that all members and persons anticipated on the agenda are present and can be heard. She confirmed the following individuals to be present (followed by their response): Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Joe Grady, yes; Susan Ossoff, yes.

Corey Wisneski read the following: Welcome to the June 16, 2020 meeting of the Duxbury Conservation Commission. This Open Meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted on our agenda, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. For public access – please email conservation@town.duxbury.ma.us or call-in at 781-934-1100 ext. 5470 for questions or comments.

This meeting is convening via Zoom video conference produced and recorded by PACTV, and can be viewed live on the Duxbury Government Access Channels – Verizon 30 or Comcast 15; or for those without cable, on PACTV's Prime streaming channel at [PACTV.org/LIVE](https://www.pactv.org/LIVE). This meeting will then be available by video on-demand on PACTV's website.

ADMINISTRATIVE MATTERS

Minutes: On a motion by Tom Gill, seconded by Scott Zoltowski, the minutes of **March 10, 2020** were approved as written by a vote of 6-0. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5471; Fax: 781-934-1137

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

Certificates of Compliance: Joe Grady recommended that all of the Certificates of Compliance listed on the Agenda be approved. Sam Butcher made a motion to issue Certificates of Compliance for the following projects:

SE18-943; 65 Joy Lane

SE18-1357; 73 Eagles Nest Road

SE18-1643; 57 Gurnet Road

SE18-1764; 106 King Phillips Path

SE18-1856; 262 Marshall Street

The motion was seconded by Scott Zoltowski. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

Planning for future meetings

Joe Grady explained that the meeting today, which is the first meeting the Commission has held since March, is a first step for the Commission. At this meeting only Administrative matters are on the Agenda. He is working with Town Counsel to determine how to hold Public Hearings for filings. There are quite few Notices of Intent pending. Hopefully another meeting can be scheduled for about 2 weeks from now to do more administrative tasks.

Accept M.G.L. c.110G: Electronic signatures

For now, because the Town Hall is closed to the public, Joe Grady will arrange for documents to be signed either outside of Town Hall or by going to Commissioner's houses. The first step towards being able to sign documents electronically is to adopt M.G.L. c.110G. The Registry of Deeds will accept electronic signatures on Conservation Commission documents but only for recorded land, not for registered (Land Court) land.

Scott Zoltowski made the following motion: The Duxbury Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. The motion was seconded by Sam Butcher. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

Duplicate Original Certificates of Compliance: SE18-496; 10 Stoney Brook Circle

Joe Grady explained that no vote is required; these Certificates of Compliance were voted previously but duplicate originals are needed for recording at the Registry of Deeds.

Request for Modification to Plan: SE18-1868; 23 Mattakeeset Court

Joe Grady reported that the Duxbury Yacht Club filed a NOI to reconstruct their pier. They raised the height of the seawall which was not part of the Orders of Conditions. They have submitted modified plans and the seawall is now 11" taller. Joe Grady recommends accepting the modified plans under the existing Orders of Conditions.

Holly Morris asked if the Yacht Club contacted the Conservation office about these change, and Joe Grady said they did not, he had to tell them to submit a request for the modifications. Joe Grady said this is a modest modification.

Sam Butcher made a motion to accept the modifications to the plan for SE18-1868 under the existing Orders of Conditions as shown on the plan titled 'Pier Reconstruction Plan for 23 Mattakeeset Court dated April 8, 2020. The motion was seconded by Holly Morris. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

Affirmation of Enforcement Order: 3 Garden Lane

Joe Grady said he received information that work was being done near a salt marsh at 3 Garden Lane. He went to the site and found stumps and vegetation had been removed and grading had been done within 100' of a salt marsh and sediment from this work is affecting the marsh. An Enforcement Order was issued. The homeowners are working to rectify the situation, have installed erosion control and have hired a consultant to restore the area. Tom Gill asked if a mitigation plan has been submitted and Joe Grady said a draft has been submitted and will be brought to the Commission at a future meeting.

Scott Zoltowski made a motion to affirm the Enforcement Order issued to Peter and Patricia Cleary at 3 Garden Lane on May 7, 2020 for stumping and grading within 100 feet of a salt marsh without a permit. The motion was seconded by Sam Butcher. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

Request for Modification for Beach Nourishment: SE18-1889, 321 King Caesar Road

Joe Grady said he had a request from Duxbury Construction to do some beach nourishment at 321 King Caesar Road where there is a lot of erosion and the footing of the seawall has been exposed. There are Orders of Conditions issued by the Commission for minor modifications to the wall, and Joe Grady recommends allowing the modification for beach nourishment under the existing Orders of Conditions. Corey Wisneski asked if this request is for only this one time and Joe Grady said yes, if they want to do ongoing beach nourishment they will have to file a Notice of Intent. Holly Morris asked if it is a suitable area for beach grass to be planted and Joe Grady said the wave action comes up to the wall so it is not a suitable area.

Sam Butcher made a motion to accept the addition of beach nourishment for SE18-1889 as shown on the plan titled 'Proposed Beach Nourishment in Duxbury for 321 King Caesar Road' dated 6/10/20 under the existing Orders of Conditions. The motion was seconded by Tom Gill. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

Discussion: Mountain Biking on Conservation Land

Joe Grady said complaints were made to the Conservation office about construction of a mountain bike track off Cherry Street. This consisted of ramps and pits, and there were trees cut and logs stacked and earth mounded to construct the track. It was quite substantial with 5' high obstacles and long distances between ramp and landing areas, leading to concerns about safety.

Scott Zoltowski said he contacted local mountain bikers and the NEMBA local chapter. The concern is not only safety, but that these activities are not allowed on Conservation Land under the Commission's Rules & Regulations. Corey Wisneski said she heard some feedback that the Commission is against mountain biking, but this is not the case. There is a lot of mountain biking on Conservation land and the Commission supports this. However building jumps, taking trees down, and activities like these affect the land and are not allowed under the Rules & regulations. Sam Butcher said he reached out to the South Shore chapter of NEMBA (New England Mountain Biking Association). Tom Gill said he is concerned with liability if someone is injured.

Joe Grady said the structures have been taken down and the earth piles reduced in height. The last few weeks there has been only a small amount of reconstruction. Mountain biking on existing trails is encouraged but a bike course cannot be constructed on Conservation land.

Adjournment: Sam Butcher made a motion to adjourn the meeting at 11:10 am. The motion was seconded by Tom Gill. The roll call vote was: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes. The motion carried by a vote of 6-0.

MATERIALS REVIEWED AT THE MEETING

Draft minutes of March 10, 2020

Modified plan for SE18-1868

Request for modification for SE18-1889

Enforcement Order, 3 Garden Lane