



Approved July 25, 2023

# Town of Duxbury Conservation Commission

TOWN CLERK  
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DUXBURY, MASS.

## Minutes of July 11, 2023

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, July 11, 2023 at 7:00 p.m.

**Members Present:** Robb D'Ambruoso, Chair; Scott Zoltowski, Vice Chair (via remote ZOOM); Sam Butcher, Tom Gill, Mickey McGonagle, Holly Morris (via remote ZOOM), and Corey Wisneski

**Members Absent:** None

**Staff Present:** Nancy Rufo, Conservation Administrator; Debbie Ballem, Principal Assistant

Meeting was called to order by Chair, Robb D'Ambruoso at 7:00 p.m.

Mr. D'Ambruoso read the following preamble: Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided, the meeting/hearing will not be suspended or terminated if there are technological problems, unless required by law.

Roll call vote of members present: Robb D'Ambruoso, yes; Tom Gill, yes; Corey Wisneski, yes; Mickey McGonagle, yes; Sam Butcher, yes; Holly Morris, yes; Scott Zoltowski, yes.

### **CONTINUED Public Hearing; Notice of Intent; Perry Phillips Woods/McKenzie Engineering, Land Off Keene Street, Parkside Development, drainage for subdivision SE18-2028**

Bradley McKenzie informed the Commission that a permit application was filed and a revised set of plans was submitted with minor changes that do not impact Conservation. Mr. McKenzie stated that the MESA review and Conservation Management plan is in progress but not yet complete. Discussions regarding the Conservation Management plan have taken place with John Zimmer of South River Environmental and NHESP regarding habitat restoration. Mr. McKenzie stated that the proposed mitigation area for protected species will be roughly a ~2:1 which exceeds the 1.5:1 ratio required by MESA.

Lenore White of Wetland Strategies stated she reviewed the Conservation Management plan and it provides more information on species protection efforts, which was what the Commission was waiting for. Ms. White believes protected species will not be negatively impacted with this plan.

John Zimmer of South River Environmental described the Conservation Management plan which will include pre-construction survey, turtle sweeps, and educating contractors on protocol for moving turtles. Mr. Zimmer stated that NHESP did not approve the drainage basin as suitable turtle habitat. NHESP requires the creation of a nesting area with exposed sand, surrounded by vegetation that must be maintained in early succession state, and a 100-foot vegetated buffer between drainage basin and nesting habitat. Mr. Zimmer asked if the Duxbury Conservation Commission would consider holding the two Conservation Restrictions (CR) which will protect nesting habitat in perpetuity. Each property will require a separate CR. The Commission agreed to review the Conservation Management plan when responsibilities of the CR holder are added and will discuss holding the restriction at a later date. Mr. Zimmer stated plans will be revised again according to NHESP requirements.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue Orders of Conditions for the Parkside development drainage basin (SE18-2028), with the condition that the Conservation Management Plan be provided to the Conservation Commission once complete.

Motion passed 6-0-1 on a roll call vote: Holly Morris, aye; Scott Zoltowski, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye; and Tom Gill, abstention.

**CONTINUED PUBLIC HEARING; Shea/Grady Consulting, 0 Gurnet Road, single family home construction on pile foundation**

**SE18-2040**

Nancy Rufo informed the Commission that the applicant requested a continuance to allow time to respond to the peer review.

Corey Wisneski made a motion, seconded by Tom Gill, to continue the hearing for SE18-2040 to August 8, 2023 at 7:00 p.m.

Motion passed unanimously 7-0 on a roll call vote; Holly Morris, aye; Scott Zoltowski, aye; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye.

**CONTINUED Public Hearing; Notice of Intent; Daly/Grady Consulting, 5 Hummock Lane, raze and rebuild single family home on pile foundation**

**SE18-2043**

Nancy Rufo informed the Commission that the applicant requested a continuance to allow time to gather information pertaining to the house elevation discussed at the June 13<sup>th</sup> hearing.

Corey Wisneski made a motion, seconded by Sam Butcher, to continue the hearing for SE18-2043 to July 25, 2023 at 7:04 p.m.

Motion passed unanimously 7-0 on a roll call vote; Holly Morris, aye; Scott Zoltowski, aye; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye.

**ADMINISTRATIVE MATTERS**

**Certificate of Compliance**

**SE18-1956 Biagini/Seacoast Engineering; 34 Partridge Road; sfh addition, landscaping and mitigation**

Nancy Rufo stated that a site visit confirmed work was completed in compliance with approved plans and recommended issuing a full Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a full Certificate of Compliance for SE18-1956. Motion passed unanimously 7-0 on a roll call vote; Holly Morris, aye; Scott Zoltowski, aye; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye.

**Extension of orders of Conditions**

**SE18- 1932 Golia; 677 Temple Street; sfh addition**

Nancy Rufo informed the Commission that the property has changed hands. The new property owners requested to extend the Orders of Conditions and will eventually come before the Commission with a revision to the approved plans. The Orders of Conditions will be extended by three (3) years.

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Sam Butcher made a motion, seconded by Tom Gill, to extend the Orders of Conditions for SE18-1932 for three years. Motion passed unanimously 7-0 on a roll call vote; Holly Morris, aye; Scott Zoltowski, aye; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye.

### **Minutes for approval**

160 Marshall Street Minutes: March 29, 2023

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the March 29, 2023 160 Marshall Street Site Visit minutes as presented. Motion passed unanimously 7-0 on a roll call vote; Holly Morris, aye; Scott Zoltowski, aye; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye

Regular Session Minutes: June 13, 2023

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the June 13, 2023 Regular Session minutes as presented. Motion passed unanimously 7-0 on a roll call vote; Holly Morris, aye; Scott Zoltowski, aye; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye

(Scott Zoltowski left the meeting at 7:40 p.m.)

### **Envision Duxbury**

Chris Ryan, Planning Director, discussed the purpose of the Envision Duxbury plan and how ownership of projects were delegated. The Conservation Commission is tasked with reviewing assigned projects to ensure they are correctly designated to the Conservation Department, and to determine if proposed timeline is reasonable. The Commission discussed creating a subcommittee to identify items that can reasonably be achieved or have already been completed, and whether the project requires funding or other resources. Nancy Rufo and Corey Wisneski will form the subcommittee.

(Chris Ryan left the meeting at 8:10 p.m.)

(Holly Morris left the meeting at 8:20 p.m.)

### **Harden Hill/Hornbeam Restoration Update**

Nancy Rufo informed the Commission that the restoration is making good progress, as detailed in a monitoring report dated 5/22/2023 from Brad Holmes of Environmental Consulting and Restoration (ECR).

## **NEW BUSINESS**

### **McLaughlin Pier Case**

Kathy Palmer (via ZOOM) informed the Commission that the final decision on the pier case was issued on July 7<sup>th</sup> and the town did not win the appeal. The case has been remanded to the ZBA. Since MassDEP issued superseding orders, Duxbury Conservation has no jurisdiction. Ms. Palmer stated that the project is still subject to Army Corps of Engineers, Section 106, and Chapter 91.

### **Emergency Certification**

Nancy Rufo informed the Commission that an Emergency Certification was issued on Friday, June 30<sup>th</sup> at the request of DPW Director Peter Buttkus to repair a cracked pipe at the

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

Bluefish Pump Station on Washington Street. Celeco Construction Corp mobilized on site on July 5<sup>th</sup> and July 6<sup>th</sup>, with work beginning on July 10<sup>th</sup>. It is expected the project will be completed by July 13<sup>th</sup>, and will consist of repair to the cracked pipe with the addition of a small tight tank below grade on the street side of the site.

#### **Kingston Conservation**

Nancy Rufo informed the Commission that she and Land Management Assistant, David Philbrick, met with the Kingston Conservation Agent Matt Penella and his staff and discussed a collaboration between the two towns. Kingston and Duxbury have similar issues and goals and would benefit from a good working relationship.

#### **Osprey Banding**

Nancy Rufo updated the Commission on the Osprey banding that took place on June 30<sup>th</sup>. There were many in attendance to observe with 30 people across five boats at the saltmarsh poles, and an additional 30 people at the beach pole near the Blakeman's parking lot. Three chicks were banded at one saltmarsh pole, with the other nests being empty most likely due to owl predation and/or the result of heavy rains that interfere Osprey's ability to catch fish. Two chicks were present in the nest at Blakeman's although they were too young to band at this time. Norman Smith of Mass Audubon will attempt a return visit in approximately two to three weeks to band them at that time. Two chicks were also banded on June 30<sup>th</sup> at the nest on the light pole at Train Field.

#### **761 Temple Street**

Nancy Rufo informed the Commission that 761 Temple Street was successfully sold with the property officially closing during the last week of June. New owners Michael O'Keefe and Rachel Ezell (also owners of 513 Temple Street) will be hosting an open house at Isaac Simmons Farm at a later date.

#### **Conservation Land and Trails**

Nancy Rufo informed the Commission that there have been reports of continuing misuse of Conservation land, including unauthorized cutting and creation of bike paths at Cherry Lane, increased motorized bike activity at Pink, Williams, and Cordwood Path, and repeated removal and destruction of Conservation signs.

#### **ADJOURNMENT**

Mickey McGonagle made a motion, seconded by Sam Butcher, to adjourn the meeting at 8:42 p.m. Motion passed unanimously 5-0 on a roll call vote; Tom Gill, aye; Corey Wisneski, aye; Mickey McGonagle, aye; Sam Butcher, aye; Robb D'Ambruoso, aye

**The next meeting is scheduled for July 25, 2023**