



Approved November 8, 2022

Town of Duxbury Conservation Commission

Minutes of October 25, 2022

TOWN CLERK
2022 DEC 30 AM 9:34
DUXBURY, MASS.

The Duxbury Conservation Commission held an in-person meeting in the Town Hall Mural Room on Tuesday, October 25, 2022 at 7:00 p.m.

Members Present: Robb D'Ambruoso, Chair; Sam Butcher, Holly Morris, Mickey McGonagle and Corey Wisneski

Members Absent: Tom Gill and Scott Zoltowski.

Staff Present: Nancy Rufo, Conservation Administrator and Pat Loring, volunteer

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

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Regular Session: 9/13/2022, 9/27/2022 and 10/11/2022.

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the Regular Session minutes for 9/13/2022, 9/27/2022 and 10/11/2022. Motion passed unanimously 5-0.

Certificates of Compliance:

SE18-1921 Savard/McKenzie Engineering; 5 Evergreen Terrance (Lot A); single family home.

SE18-1922 Savard/McKenzie Engineering; 7 Evergreen Terrance (Lot B). single family home.

Nancy Rufo reported air conditioner pads for SE18-1921 and SE18-1922, were not previously shown on the As Built Plans. The pads have been added to the plans and she recommends issuing Certificates of Compliance for both projects.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1921. Motion passed unanimously 5-0.

Sam Butcher made a motion, seconded by Holly Morris, to issue a Certificate of Compliance for SE18-1922. Motion passed unanimously 5-0.

Public Meetings vs Public Hearings: Nancy Rufo followed up with MA DEP on advice received recently that a Request for Determination (RDA) Public Meeting was a Public Hearing within a Public Meeting. This is incorrect. A DEP staff person stated RDAs are administered through Public Meetings and Notices of Intent (NOIs) are administered through Public Hearings, as the Commission has been doing correctly for years.

CONTINUED PUBLIC MEETING; OTOCKA/ENVIRONMENTAL CONSULTING & RESTORATION; 47 ST. GEORGE STREET; REPLACE POOL, POOL PATIO, RELOCATE WELL, REMOVE KOI POND, WALL

Brad Holmes, ECR, presented the project for landowner, Eddie Otocka. The proposed project, is within the 100 ft Buffer Zone of a Bordering Vegetated Wetland (BVW) and within the 200 ft Riverfront Area of the Bluefish River. Buffer Zone coverage calculations have been reviewed and adjusted. The Riverfront Area should not be included in the Buffer Zone calculation. The Buffer Zone project coverage area is well below the 15% allowed.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Meeting and issue a Negative Determination, that a Notice of Intent is not required, for 47 St. George Street project. Motion passed unanimously 5-0.

Special Town Meeting Recap: Nancy Rufo reported Article 2, purchase of the Ricker property on Mayflower Street was approved for a total cost of \$1,600,000 and Article 3, increasing the Community Preservation Act (CPA) surcharge from 1% to 3%, was also approved. The surcharge increase requires a positive ballot vote in March 2023 in order to be finally approved. There was a large voter turnout at the October 17, 2022 Special Town Meeting. Article 13, a request for \$30,000 for the Isaac Simmons Farm, was also approved.

PUBLIC MEETING; SULLIVAN/COLLINS CIVIL ENGINEERING CO.; 78 SAW MILL RD.; DECK EXPANSION

Robb D'Ambruoso read the 78 Saw Mill Road Public Meeting Legal Notice. Peter Lyons, Collins Civil Engineering presented the project consisting of expansion of an existing deck and steps within the 100 ft. Buffer Zone of a cranberry bog top of bank. To control erosion, a 12-inch straw wattle will be installed around the construction area prior to the start of work and remain in place until the site is stabilized.

Holly Morris made a motion, seconded by Sam Butcher, to close the Public Meeting and issue a Negative Determination, that a Notice of Intent is not required, for the 78 Saw Mill Road project. Motion passed unanimously 5-0.

PUBLIC MEETING; PREBOLA/SEACOAST ENGINEERING; 49 ALLENS LANE; SEPTIC SYSTEM REPLACEMENT

Robb D'Ambruoso read the 49 Allens Lane Public Meeting Legal Notice. Paul Brogna, Seacoast Engineering, presented the project for a septic system replacement. He showed photographs of the property and stated the existing Deck House is 50+ years old with a failing septic system. The replacement system will be 88.5 ft from a Bordering Vegetated Wetland (BVW) with minimal grade changes. There is a second BVW and a vernal pool off site. Discussion followed on possible alternative sites for the system.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Meeting and issue a Negative Determination, that a Notice of Intent is not required, for the 49 Allens Lane project. Motion passed unanimously 5-0.

Project Updates:

Delorenzo Farm: Nancy Rufo reported the irrigation wells have been installed and tree removal and chipping is ongoing. A second unauthorized trail camera and a hunting stand have been found on the property. A sign will be placed at the camera telling the owner to remove both objects by a certain date or they will be confiscated by the Town. Because of the ongoing work, Nancy Rufo asked the Commission for a vote to close the property to the public for the foreseeable future. Signage will be installed announcing there is no public access due to the property being a working farm.

Sam Butcher made a motion, seconded by Mickey McGonagle, that the Conservation Commission restrict public access to the Delorenzo property for the foreseeable future. Motion passed unanimously 5 to 0.

Hunting Season: Nancy Rufo reported the MA Hunting Season has started and she is receiving concerned calls from residents.

Glyphosate Use: Nancy Rufo announced a group of residents may submit a Citizens Petition to be added to the warrant for the March 2023 Annual Town Meeting asking for the town to fund a \$25,000 study on the use of glyphosate on cranberry bogs. The Selectboard has scheduled a hybrid meeting on the issue for November 7, 2022 at 7p.m.

Climate Resiliency Task Force: Nancy Rufo told Commissioners the Selectboard is forming a Climate Resiliency Task Force and are requesting a Commission member be appointed to the group.

Duxbury's Comprehensive Plan: Nancy Rufo stated Planning Director, Chris Ryan, has been working with Town Manager, Rene Reed, to divide up the Comprehensive Plan Action Items. She expects to learn the Commission's action items soon.

20 Lake Shore Drive: Commissioners communicated with Grant Marston of 20 Lake Shore Drive telling him if he is removing 15 trees, as approved by former Conservation Administrator, Joe Grady, then he can move forward with his Request for Determination. However, if he plans to remove more than 15 trees, he will need to file a Notice of Intent for the larger project.

Trout Farm Violations: Trout Farm, a Planned Unit Condominium Development, is governed by deed restrictions and a Conservation Restriction (CR #4 held by the Duxbury Conservation Commission). Two possible violations of the condominium documents have been reported. The first violation consists of a resident cutting trees in a 15+ ft. corridor through the subdivision's 75 ft wooded Buffer Zone. The second violation consists of a resident cutting trees in a corridor from his unit to a pond. Nancy Rufo and Joe Grady are scheduled to inspect the possible violations tomorrow, October 26, 2022.

Adjournment:

At 7:55 p.m. Mickey McGonagle made a motion, seconded by Holly Morris, to adjourn the meeting. Motion passed unanimously 5-0.

The next Conservation Commission meeting is scheduled for Tuesday, November 8, 2022 at 7:00 p.m. in the Town Hall Mural Room.