



Approved December 20, 2022

# Town of Duxbury Conservation Commission

Minutes of November 22, 2022

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

The Duxbury Conservation Commission met via remote participation on Tuesday, November 22, 2022 at 7:00 p.m.

Meeting was called to order by Vice Chair, Scott Zoltowski at 7:00 p.m. He read the following preamble: Pursuant to Chapter 20 of the Acts of 2021, 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 as a courtesy to the public and board members, the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. For this meeting, members of the public who wish to attend remotely may do so by following the Zoom meeting links provided.

**Confirmation of Members Present:** Scott Zoltowski, Vice-Chair, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes.

**Members Absent:** Sam Butcher, Robb D'Ambruoso, and Tom Gill.

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

## ADMINISTRATIVE MATTERS:

### Minutes for Approval:

Regular Session Minutes: 11/8/2022

Holly Morris made a motion, seconded by Corey Wisneski, to approve the 11/8/2022 Regular Session minutes. Motion passed unanimously on a roll call vote; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

### Request for Duplicate Order of Conditions

**SE18-2016, Winterle/5 Wetlands; 20 South River Lane West; addition**

Nancy Rufo reported that although the applicant received an original Order of Conditions (OOC) it was never recorded and is now lost. The applicant is requesting a duplicate OOC.

Corey Wisneski made a motion, seconded by Holly Morris, to issue a duplicate Order of Conditions for SE18-2016. Motion passed unanimously on a roll call vote; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

### Certificate of Compliance:

**SE18-1980 Weatherbee/Collins Engineering; 409 Chandler Street; septic** Nancy Rufo reported she inspected the project and found it in compliance with the Order of Conditions. She recommended issuing a Certificate of Compliance.

Holly Morris made a motion, seconded by Corey Wisneski, to issue a Certificate of Compliance for SE18-1980. Motion passed unanimously on a roll call vote; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

### Request for Modification:

**SE18-1064 McGee/Seacoast Engineering; 42 Plumfield Lane; pier**



Paul Brogna, Seacoast Engineering, presented the project history for the SE18-1064 pier. The pier was permitted in 2001 and built in 2002. In February 2020 when the house was being sold a Certificate of Compliance (COC) was needed. The pandemic intervened. The house sold without the COC with money held in escrow. A recent inspection revealed the pier to be 10.5 feet longer than permitted with the extra length on the land end of the pier. The project cannot be completed because the pier does not comply with the Plan of Record. Photographs of the pier were shown to Commissioners. Paul Brogna noted Duxbury Rules and Regulation were not as rigorous 21 years ago. Nancy Rufo and Paul Brogna met on site to review the project. They determined the best solution was to modify the Order of Conditions to include the additional 10.5 feet, since the additional length only impacts the Coastal Beach with four 6" x 6" posts in the beach. State regulations allow for up to 4.5% additional square footage to a project. This increase is below 4.5%. Nancy Rufo stated modifying the OOC was an acceptable solution. Questions followed.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to modify the Order of Conditions for SE18-1064. Motion passed unanimously on a roll call vote; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

**Tree Policy Discussion:** Scott Zoltowski, with assistance from other commissioners, drafted a Duxbury Tree Policy for discussion. Holly Morris complimented Scott on the draft, especially the 50 ft. buffer area and suggested slopes should also be considered. Robb D'Ambruoso emailed suggestions to Scott. Nancy Rufo will email a draft that everyone can work on.

**Project and Staffing Updates:**

20 Lake Shore Drive Tree Removal: Joe Grady inspected the tree removal project. Fifteen trees were removed as per the Order of Conditions.

Trout Farm Violation: A Trout Farm resident cut a path from Winter Street through the 75 ft. Conservation Restricted Buffer Area at Trout Farm. Town Counsel, Shirin Everett, suggested Nancy Rufo send a Cease and Desist Order to the homeowner, with a copy to the Trout Farm Homeowner's Association and the Association's maintenance company. The Trout Farm resident came to the Conservation Office and stated he only took down three trees. Ms. Rufo will meet with the tree company to confirm the number of trees removed. The Cease and Desist Order requires a restoration plan by December 23, 2022 and has a requirement that the homeowner appear before the Commission to discuss next steps.

Staffing: Interviews are underway for the Conservation Department Principal Assistant position. Three applicants have been moved forward, two have been interviewed and a third interview is scheduled for the week of November 28, 2022.

**NEW BUSINESS:** Mickey McGonagle reported Nancy Rufo did an excellent job presenting the Conservation Department budget to the Finance Committee. He suggested Ms. Rufo email copies of her presentation, and Business Plan requested by Town Manager Rene Reed, to all Commission members. Ms. Rufo stated Jeannie Horne, Human Resource Director, is reviewing the assistant position for an upgrade to Conservation Specialist, Grade TBD.

**ADJOURN:**

At 7:35 p.m. Holly Morris made a motion, seconded by Corey Wisneski, to adjourn the meeting. Motion passed unanimously on a roll call vote; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Scott Zoltowski, yes. Motion carried 4 to 0.

**The next Conservation Commission meeting is scheduled for Tuesday, December 6, 2022 at 7:00 p.m. in the Town Hall Mural Room.**