



Approved January 4, 2022

Town of Duxbury Conservation Commission

TOWN CLERK

2021 FEB -1 AM 10:16

DUXBURY, MASS.

Minutes of December 21, 2021

The Duxbury Conservation Commission met on Tuesday, December 21, 2021 at 7:00 p.m. via remote Zoom videoconferencing.

Members Present: Robb D'Ambruoso, Chair; Scott Zoltowski, Vice-Chair; Sam Butcher; Tom Gill; Mickey McGonagle; and Holly Morris.

Members Absent: Corey Wisneski

Staff Present: Joe Grady, Conservation Administrator; Nancy Rufo, Administrative Assistant; Pat Loring, volunteer

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

Mr. D'Ambruoso read the following preamble: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by following the Zoom meeting links.

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

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session: December 7, 2021

Sam Butcher made a motion, seconded by Holly Morris, to approve the December 7, 2021 Regular Session Minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0

7:05 p.m. Tom Gill joined the meeting.

Certificate of Compliance:

SE18-1922 Savard/McKenzie Engineering; 7 Evergreen Terrace (Lot B); SFH

(PARTIAL) Robb D'Ambruoso recused himself from the discussion and vote. Joe Grady reported that 7 Evergreen Terrace has unfinished work, including construction of a pool, grading and revegetation. Mr. Grady recommended issuing a Partial Certificate of Compliance.

Scott Zoltowski made a motion, seconded by Sam Butcher, to issue a Partial Certificate of Compliance for SE18-1922. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Scott Zoltowski, yes. Motion carried 5-0

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

PUBLIC MEETING, SPELLMAN; 63 OCEAN ROAD NORTH; DECK RECONSTRUCTION

Robb D'Ambruoso read the Legal Notice for the 63 Ocean Road North deck reconstruction. Sheila Spellman presented the project. Joe Grady reported it is reconstruction of a preexisting deck in the Velocity Zone. Mr. Grady noted the project text states the deck will be 16 ft. x 14 ft., the same size as the existing deck, however the plan shows a 16.5 ft. x 14 ft. deck. Ms. Spellman responded the new deck will be 16 ft. x 14 ft. Joe Grady recommended a Negative Determination which states the reconstructed deck will be 16 ft. x 14 ft.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Negative Determination stating the deck will be 16 ft. x 14 ft. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

PUBLIC HEARING; ISLAND CREEK OYSTERS/GRADY CONSULTING; 403 WASHINGTON STREET; DRIVEWAY AND PARKING LOT SE18-1987

Robb D'Ambruoso read the Legal Notice for SE18-1987. Joe Grady recused himself from the discussion and vote. Sam Butcher stepped in for Mr. Grady, having reviewed the project prior to the Public Hearing. Brendan Kling, Grady Consulting, presented the project for Island Creek Oysters. Wetland Resource Areas affected include a Wet Meadow and Land Subject to Coastal Storm Flowage. A driveway and gravel parking lot for 49 vehicles will be constructed adjacent to the northerly property line. An existing telephone pole requires a bump out in the driveway, not currently shown on the plans. Photos of existing and proposed vegetation were shown. Sam Butcher asked about the drainage calculations and how run off will be handled. Mr. Kling responded that the depth of parking lot gravel would create the needed capacity. Most of the driveway is outside the 100 ft. Buffer Zone. Ms. Morris asked the purpose of the new driveway and parking lot. Mr. Kling responded it was for traffic flow and fire access. Robb D'Ambruoso allowed a non-wetland related question from an abutter, which she withdrew. Sam Butcher stated the Commission needs an accurate Site Plan and an accurate Landscape Plan.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write an Order of Conditions for SE18-1987 once a revised Site Plan consistent with the Landscape Plan is received. Motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

CONTINUED PUBLIC HEARING; WB BUILDERS DUXBURY/OUTBACK ENGINEERING; 1 & 25 LINCOLN STREET; FIELDSTONE FARM CONDOMINIUMS SE18-1981

Jim Pavlik, Outback Engineering, presented the project for WB Builders. He stated the project consists of 32 condominium units with work in the Buffer Zone and no wetland alterations. The 21-acre site has Bordering Vegetated Wetlands (BVW) on the north and south. Eleven houses, two stormwater systems and a rain garden are in the 100 ft. Buffer Zone. The roadway and all septic

systems are outside the Buffer Zone. A portion of the site is Eastern Box Turtle habitat and under the jurisdiction to Natural Heritage and Endangered Species Program (NHESP). NHESP has issued a "No adverse impact" letter with a Turtle Protection Plan to be implemented during and after construction. A 25 ft "no touch" buffer is to be maintained around the site. ECR is engaged by the developer to do turtle sweeps during construction. The project has a prior Order of Resource Area Delineation (ORAD) which is effective until 12/27/21. Lenore White, consultant to the Commission, was present and stated the previous wetland delineation is still valid. The north wetland is a bog, a well-established wetland at the bottom of a steep slope. The project site is an upland forest in the Buffer Zone. There will be significant tree removal, therefore the erosion control measures may not be adequate. Ms. White suggested weekly inspections of the erosion control measures to ensure they are functioning properly. She also suggested the NHESP Turtle Protection Plan be incorporated into the Order of Conditions, the erosion control measures include a silt fence and compost silt sock, and opening the site be done in phases as indicated on the plans. Joe Grady stated that Lenore White should be retained to monitor the site during construction at the applicant expense. In answer to a question from the Commission, Jim Pavlik stated that construction would take place in two phases: Phase 1 would take approximately two years and Phase 2, one to two years. He agreed that weekly inspections during heavy construction would be appropriate with a more relaxed schedule when the site is stabilized. Lenore White recommended the Commission issue an extension to the ORAD, to keep the two regulatory tracks separate. Sam Butcher questioned how "landscape creep" could be managed once the homes were occupied. Mr. Pavlik suggested signage that stated, "Environmental Area, Keep Out, No disposal of yard waste" or a post and rail fence. Owner, Greg Webb suggested rocks at the boundary line as being more permanent. Joe Grady suggested rocks and signs. There were no public comments.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write an Order of Conditions for SE18-1981, including a condition that the silt barrier as presented be modified to include a silt fence and compost silt sock, that weekly inspections of the erosion control measures be performed at the owner's expense and that signage and stones be placed 25 ft. from the wetland resource area at the base of the steep slope. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0.

Sam Butcher made a motion, seconded by Mickey McGonagle, to extend the Order of Resource Area Delineation for an additional three years. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

PUBLIC HEARING; SZCZESNY/SOUTH SHORE SURVEY CONSULTANTS; 155 BAY ROAD; GARAGE SE18-1988

Robb D'Ambruoso read the Legal Notice. Mark Casey, South Shore Survey Consultants, presented the project for construction of a two-story garage at 155 Bay Road. The garage will be built on the

existing foundation. It is within 100 feet of a Bordering Vegetated Wetland. Joe Grady stated the project is on the same footprint as the existing garage and meets the Commission's Rules and Regulations. He recommended writing an Order of Conditions. There were no comments from the Commission or the public.

Sam Butcher made a motion, seconded by Tom Gill, to close the Public Hearing and write an Order of Conditions for SE18-1988. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.
Motion carried 6-0.

**CONTINUED PUBLIC HEARING; LARRYLAND, LLC/WEBBY ENGINEERING; 755 FRANKLIN STREET; SINGLE FAMILY HOME
SE18-1986**

Steve Kotowski, Webby Engineering, stated the Public Hearing was continued because of an error in site coverage calculations. The proposed paved driveway would cause Buffer Zone impervious coverage to be over the 15% allowed, therefore, a gravel driveway is now proposed with no runoff onto Franklin Street. Regrading, with a silt sock for erosion control, will direct driveway runoff to a swale to slow runoff velocity. Because a neighbor has voiced concern about runoff, an 18-inch berm will also be built along the property line to direct runoff to the driveway and then to the swale. Roof runoff will be captured and directed to four infiltrators. Joe Grady stated that Mr. Kotowski has answered all previous concerns. There were no comments from the Commission or from the public.

Tom Gill made a motion, seconded by Sam Butcher, to close the Public Hearing and write an Order of Condition for SE18-1986. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; and Robb D'Ambruoso, yes.
Motion carried 6-0

ADMINISTRATIVE MATTERS: (continued)

Certificates of Compliance:

SE18-1349 Dyroff/Seacoast Engineering; 27 Elderberry Lane; pier reconstruction

Joe Grady did not recommend issuing a Certificate of Compliance for SE18-1349 at this time because the applicant continues to store their float on the saltmarsh against prior Conservation instruction. No action taken.

SE18-1858 Goodick/Duxbury Construction; 95 Hornbeam Road; seawall, SFH, pool

Because of a surveying error, many mistakes were made in the project buildout making issuance of a Certificate of Compliance complicated. Freeman Boynton, Duxbury Construction LLC, presented plans explaining the errors. The surveyor used the wrong lot line causing the slope stone seawall to be back 20 to 25 ft. from the beach, the house to be 10 ft. closer to the street and a corner of the pool to be within the coastal Buffer Zone. All are changes from the original proposed project. There is a net gain in beach area. Lengthy discussion followed on how to proceed.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1858 for the pool encroachment to be allowed due to the mitigating circumstances of an increase in beach area. Further discussion followed. Mr. Butcher withdrew his motion.

It was agreed to table the Certificate of Compliance for SE18-1858 until the next meeting on January 4, 2022 when the Commission is in receipt of a letter from Freeman Boynton outlining the circumstances that caused the construction error. The letter will be incorporated into a future Certificates of Compliance.

8:30 p.m. Scott Zoltowski left the meeting.

NEW BUSINESS: Video presentations. Mickey McGonagle suggested the Commission postpone discussion of video presentations until Scott Zoltowski was present. All agreed.

ADJOURNMENT: Tom Gill made a motion, seconded by Holly Morris, to adjourn the meeting at 8:35 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Robb D'Ambruoso, yes.
Motion carried 5-0

The next Conservation Commission meeting is scheduled for Tuesday, January 4, 2022 at 7:00 p.m.