



Town of Duxbury Conservation Commission

Minutes of January 3, 2023

Approved February 14, 2023

TOWN CLERK

2023 APR 21 AM 11:24

DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, January 3, 2023 at 7:00 p.m.

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

Members Absent: Scott Zoltowski, Vice Chair; Thomas Gill, III

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:03 p.m. He introduced seated Commissioner members.

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session: December 2, 2022.

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the Regular Session minutes of December 2, 2022.

Motion carried unanimously 5-0

Certificate of Compliance

SE18-1908 USC LLC/Grady Consulting; 10 Dogwood Drive; grading

Nancy Rufo reported that the house and grading is consistent with the site plan, but the site is not stabilized yet which is causing erosion and runoff. Ms. Rufo recommended issuing a Partial Certificate of Compliance with the Applicant reapplying for a Full Certificate of Compliance in spring when the area is stabilized with vegetation.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Partial Certificate of Compliance for SE18-1908. Motion carried unanimously 5-0

Certificate of Compliance

SE18-1811 Herbert/Merrill Engineers; 103 Depot Street; addition, parking, walkway

Nancy Rufo reported the completed project did not accurately reflect the As-built plans and recommended waiting to issue a Certificate of Compliance until the issues are resolved. Corey Wisneski asked if the issues would be relatively easy fix. Ms. Rufo presented photos of the completed project which show the fencing against the shed and explained the As-built plans show the fencing to be further away and closer to the parking lot. Sam Butcher stated that the placement of the fence it was important for accuracy. The project must match the plans. Ms. Rufo stated she will review the final revised plans. She also reported the site needs to be revegetated, and she recommended taking no action at this time.

Board members unanimously agreed to take no action on SE18-1811 at this time.

Certificate of Compliance

SE18-1846 Brodie/Duxbury Construction; 331 Bay Road; pier

Nancy Rufo recommended issuing a full Certificate of Compliance for SE18-1846.

Corey Wisneski made a motion, seconded by Holly Morris, to issue a full Certificate of Compliance for SE18-1846. Motion carried unanimously 5-0

Acceptance of Earle B. Ricker property deed

The Ricker property was approved for purchase at the October 17, 2022 Special Town Meeting. Sam Butcher made a motion to accept the Earle B. Ricker Deed as presented to the Commission at its meeting of January 3, 2023. Mr. Butcher announced that The Deed is accepted under G.L. c.40 s 8c for conservation, open space, agriculture, water supply protection and passive recreation purposes.

Sam Butcher made a motion, seconded by Mickey McGonagle, to accept the Earle B. Ricker Deed. Motion passed unanimously 5-0

Hunting Policy

Robb D' Ambruoso reported that residents have made inquiries concerning the presence of hunters by Temple and Gifford and behind the Wright reservoir. Residents have expressed safety concerns regarding walking and hiking with their children and pets while hunting is taking place. Hunters wearing bright orange clothing have been observed walking close to private residences and along the power lines. Mr. D'Ambruoso opened the issue up for discussion as to whether there needs to be signage alerting residents as to where and when hunting is allowed.

Holly Morris asked who is responsible for making decision about where hunting is allowed. It was noted that Joe Grady previously made a recommendation to the Committee. Mickey McGonagle stated hunting does not appear to be effective at controlling the overabundance of deer. There was discussion regarding the inability of the Conservation Commission to enforce hunting regulations which are confined to specific hunting zones within a short season. Mr. McGonagle noted that enforcement was virtually impossible since Conservation Commission does not have enforcement authority, but suggested the possibility of meeting with the Police Department if it becomes a nuisance. Mr. McGonagle also stated that signage in hunting areas would be a good first step. All board members agreed that signage would be helpful for residents and hunters.

Nancy Rufo recommended removing hunting from the Wright Reservoir. Sam Butcher stated that bow hunting presents a low risk and noted that hunters wearing orange clothing are not bow hunters. Corey Wisneski recommended to no longer allow hunting in the Right Reservoir. Ms. Wisneski suggested to first update the Duxbury hunting map, then place an article in the Duxbury Clipper to inform residents of changes to the hunting policy. Nancy Rufo noted that Emily in the Planning Department is skilled in GIS mapping software and could assist with the hunting map revision.

Decision related to Pump Houses

Nancy Rufo reported there have been complaints regarding the dilapidated condition of pump houses at the intersection of Church and Temple. Ms. Rufo stated that, according to the Farmer Management Agreement with the Town, farmers are responsible for maintaining the structures. However, the Agreement also states that if a farmer does not need or use a pump house, it is the responsibility of the Town to either repair or remove the structure. Ms. Rufo also noted that some farmers have experienced theft and vandalism and may not want to increase the aesthetic value of a pump house since it could invite crime. Robb D'Ambruoso recommended first talking with farmers to determine whether or not they need or want their pump house, then the Conservation commission can decide on the next steps.

Project and Staffing Updates

Nancy Rufo introduced the new Principal Assistant, Debbie Ballem, who began her position with the Conservation Commission on December 27, 2022. Ms. Ballem will be supporting Ms. Rufo, the Conservation Administrator. All board members welcomed Ms. Ballem and expressed their enthusiasm that Ms. Rufo now has an assistant. Board members acknowledged that the hiring process took an excessive amount of time during which Ms. Rufo performed a dual role for four months.

NEW BUSINESS

Delorenzo Farm cleanup

Nancy Rufo presented the issue of the Delorenzo trash pit cleanup. The property had a large pit that served as dumping grounds for the farm for many years. The original proposal from Duxbury Construction was \$9,900.00 but the pit was much deeper than they anticipated. The cleanup has been completed, but there is the additional cost of \$6,325.71 due to Duxbury Construction. Ms. Rufo welcomed recommendations regarding the usage of Conservation funds to cover the unanticipated cost.

Tree Policy

Holly Morris presented the topic of the Tree Policy which is an ongoing joint project. Nancy Rufo is the process of determining the best way to share an editable document.

Lawsuit

Holly Morris opened discussion about recent Kingstown Crossing court case where Town lost the case defending a Chapter 61 conversion. The Right of First Refusal was overturned, voting in favor of property owner. Ms. Morris expressed concern that this court decision set a dangerous precedent. Robb D'Ambruoso explained that his understanding of the decision was that the trial judge found the property's purchaser did not clearly state they intended a change of use for the property. Mr. D'Ambruoso further expressed to the Commission his belief that this court decision did not set meaningful new precedent, and that the Town would have a Right of First Refusal in the event of a future change of use.

ADJOURNMENT: Mickey McGonagle made a motion, seconded by Sam Butcher, to adjourn the meeting at 8:15 p.m. Motion passed unanimously 5-0

The next Conservation Commission meeting is scheduled for Tuesday, January 17, 2023 at 7:00 p.m.