



Approved February 15, 2022

Town of Duxbury Conservation Commission

Minutes of February 1, 2022

TOWN CLERK
2022 MAR -7 AM 10:57
DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, February 1, 2022 at 7:00 p.m. via remote Zoom videoconferencing.

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

Members Absent: Holly Morris

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:02 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; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session: January 4, 2022

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the January 4, 2022 Regular Session Minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

Certificate of Compliance:

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

Joe Grady inspected this property in December 2021 and found the applicant was storing their float on the saltmarsh in a manner inconsistent with the Order of Conditions. Mr. Grady reported his January 2022 site inspection found the float has since been removed and he is now able to recommend issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1349. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

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

**PUBLIC HEARING; DUXBURY BEACH RESERVATION; 0 DUXBURY BEACH/HIGH PINES;
PLUM HILLS RESTORATION PROJECT****SE18-1990**

Robb D'Ambruoso read the Legal Notice for SE18-1990. Corey Wisneski recused herself from the discussion and vote. Joe Grady also recused himself from the discussion. Sam Butcher stepped in for Mr. Grady, having reviewed the project prior to the Public Hearing. Cris Luttazi, Executive Director of the Duxbury Beach Reservation (DBR), presented the project. DBR filed this Notice of Intent as they need to do work that does not fall under their existing Orders of Conditions (OOC). There are two areas of concern that were damaged during the storms of March 2018. Ms. Luttazi contacted the Woods Hole Group to see what can be done as a stop gap measure at these locations, noting that DBR does need to develop a long-term plan because it is expected that overwash will continue. The two sites will require a total of 2,375 cubic yards of material, in addition to a sturdy drift fence. DBR cannot maintain the 10:1 slope called for in their existing OOCs because they are trying to tie into dunes on either side of the breach. Given this, DBR is proposing a 6:1 slope on the ocean side and a 5:1 slope on the road side. Ms. Luttazi noted that listed species have not been identified in this area for the last four years. Sam Butcher added that 270 linear feet of dune are affected, and the goal is to complete the work by the end of March 2022. Commissioner and public comment followed. Alicia Babcock (9 Ocean Road South) had questions regarding the number of trucks, dredging, and concerns around flooding and wear/tear on Gurnet Road. Ms. Luttazi noted that DBR works closely with the Department of Public Works to minimize impacts to Gurnet Road.

Sam Butcher made a motion, seconded by Tom Gill, to close the hearing and write Orders of Conditions which incorporate any findings from the Natural Heritage & Endangered Species Program for SE18-1990. Motion passed on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, abstain; Tom Gill, yes; and Robb D'Ambruoso, yes. Motion carried 5-0-1

PUBLIC HEARING; SOUTH SHORE SURVEY CONSULTANTS; 160 ELM STREET; SINGLE-FAMILY HOME**SE18-1994**

Robb D'Ambruoso read the Legal Notice for SE18-1994. Mark Casey of South Shore Survey Consultants presented the project. Mr. Casey explained that an RDA was previously submitted for this property, however a garage is now pushing the dwelling slightly into the Riverfront Area resulting in the need for a Notice of Intent. The disturbance in the Riverfront Area is less than 10%. Joe Grady made note that the Limit of Work line is fairly close to the back of the house. Mr. Casey is confident they will be able to work within that area given the order of house construction activities. Commissioner discussion followed, much of which centered on a Nitrogen Credit Land designation. This is necessary as the property owner is building a house on East Street where they don't have 10,000 square feet for an extra bedroom. The result is an easement restriction on 160 Elm Street where no impervious surface or nitrogen-based product use is allowed. The Commissioners' concern is this designation and associated restrictions will get lost with future owners. There is a need to memorialize that impervious surface or nitrogen-based product use is not allowed. A

suggestion was made to install signage/badges at the corners and along the back of the property to alert people that there is Nitrogen Credit Land at 160 Elm Street, and what that designation means.

Sam Butcher made a motion, seconded by Tom Gill, to close the Public Hearing and write Orders of Conditions for SE18-1994 with the added stipulation that at least eight metal badge posts are installed to alert owners and others of the Nitrogen Credit Easement Area at 160 Elm Street. This signage requirement should be noted on the OOC and Certificates of Compliance. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

ADMINISTRATIVE MATTERS (continued):

Certificate of Compliance (continued):

SE18-1796 Reilly/Grady Consulting; 98 Harrison Street; Addition and garage

Joe Grady noted this property was the subject of a prior enforcement order and has since been restored. Mr. Grady reported the project now complies with the Order of Conditions, he has inspected the property, and has received an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Tom Gill made a motion, seconded by Corey Wisneski, to issue a Certificate of Compliance for SE18-1796. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

SE18-1841 Roberts/Duxbury Construction; 525 Chandler Street; sfh

Mr. Grady reported the project complies with the Order of Conditions, he has inspected the property, and has received an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1841. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

SE18-1802 JCA Development/Morse Engineering; 0 Enterprise Street; sfh

Mr. Grady reported the project complies with the Order of Conditions, he has inspected the property, and has received an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1802. Motion passed unanimously on a roll call vote: Sam

Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

SE18-1928 Carlin/Ross Engineering; 8 Pine Point Road; sfh

Mr. Grady reported the project complies with the Order of Conditions, he has inspected the property, and has received an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Scott Zoltowski made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1928. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

Dux2007-01 Gudolawicz/Grady Consulting; 50 Carriage Lane; condo development (local bylaw only)

Mr. Grady reported the project complies with the Order of Conditions, he has inspected the property, and has received an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Scott Zoltowski made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance (local bylaw only) for Dux2007-01. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

Conservation Fund Expenditure: Joe Grady reported that \$243.05 is owed in taxes on the Pallis Land Donation and requested that this be paid out of the Conservation Fund.

Tom Gill made a motion, seconded by Scott Zoltowski, to pay \$243.05 owed in taxes on the Pallis Land Donation out of the Conservation Fund. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

Discussion related to residential docks and piers: The Commissioners discussed the relevance of the document *"A Review of Habitat Impacts from Residential Docks and Recommended Best Management Practices with an Emphasis on the Northeastern United States"*. It was agreed that most if what is recommended is already included in Duxbury's regulations. A question was raised if there are things going on in other local communities that would be beneficial to know, and how would we gain access to that information? MACC workshops may be helpful. It was also noted that seasonal docks are less intrusive and impactful, and that maybe these should be promoted. Overall, the

Commissioners felt the review of the dock paper was a useful exercise to determine if Duxbury regulations need updating.

Discussion related to formulating guidelines for presenting projects to the

Conservation Commission: Commissioner discussion centered on whether there should be a process for submitting presentations prior to meetings, particularly videos. This would allow time for review to determine applicability to the projects on the agenda. Given legal concerns, it was determined it will be up to the chair to maintain order and ensure that content is related to the project at hand. Hopefully past incidents are isolated, and moving forward this issue will not be a concern.

Mission Statement: Joe Grady updated the Commission on the Delorenzo Farm. A Request for Proposal is currently being developed to procure farmers for the land. A mission statement from the Conservation Commission is included in the RFP. The Commission approved the following Mission Statement:

“As development pressure increases and prime agricultural lands diminish, a goal of the Duxbury Conservation Commission is to preserve and protect Duxbury's farmland, to keep agricultural land productive, to preserve the Town's semi-rural landscape and to provide farmers equitable access to agricultural opportunities.

The Commission is committed to best management practices that improve the productivity of the land, promote organic practices and the reduction of chemical fertilizers, herbicides and pesticides. Emphasis will be on the cultivation of farm products for local human consumption and to invite community engagement to develop a deeper connection with food and where it comes from.”

Five-Year Conservation Commission Plan: Joe Grady announced that he will be retiring in August 2022 after 45 years working for the Town of Duxbury. Mr. Grady is concerned about the future of the Conservation Administrator position, and noted a five-year plan would be helpful to show the complexity of the job. Mr. Grady believes Conservation requires an individual hire who reports directly to the Town Manager, and not be combined with other departments such as Planning. It would be helpful for the Commission to review the Five-Year Plan to highlight the importance of a Conservation Administrator. Data such as number of applications processed, number of meetings, number of hearings, average time to review plans, average time to conduct site visits, and average time spent responding to residents outside of the application process would be helpful to know. Corey Wisneski will forward the previous plan to the commission for review. It was also suggested that a Conservation Commission meeting with the Town Manager would be beneficial.

NEW BUSINESS: The Commissioners requested Nancy Rufo conduct another poll to determine if the Commission should continue meeting via Zoom or return to in-person. Ms. Rufo will report the results prior to the next meeting.

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ADJOURNMENT: Scott Zoltowski made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 8:45 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes; Tom Gill, yes; and Robb D'Ambruoso, yes.

Motion carried 6-0

The next Conservation Commission meeting is scheduled for Tuesday, February 15, 2022 at 7:00 p.m.