



Town of Duxbury Conservation Commission

Minutes of February 14, 2023

Approved March 1, 2023

TOWN CLERK

2023 APR 21 AM 10:18

DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, February 14, 2023 at 7:00 p.m.

Members Present: Scott Zoltowski, Vice Chair; Sam Butcher; Corey Wisneski, Mickey McGonagle; and Holly Morris

Members Absent: Robb D'Ambruoso, Chair; Thomas Gill, III

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

Meeting was called to order by Vice Chair, Scott Zoltowski at 7:00 p.m. He introduced seated Commission members and staff.

PUBLIC HEARING; TARKILN LLC/ENVIRONMENTAL CONSULTING & RESTORATION, LLC; TARKILN ROAD (0 SOUTH STREET), ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

SE18-2026

Scott Zoltowski, Vice Chair, read the Public Hearing Notice for SE18-2026. Brad Holmes, Environmental Consulting and Restoration, presented plans for an ANRAD submitted for property at Tarklin Road/0 South Street, which is accessible from the town of Kingston. Mr. Holmes indicated resource areas on the site include multiple bordering vegetated wetlands (BVW), isolated land subject to flooding (ILSF), and an isolated vegetated wetland (IVW). Mr. Holmes explained that wetlands are the remains of a cranberry bog system and that the future project planned for this site will not involve work within Duxbury. A proposed project will be filed in the town of Kingston later, but it is necessary to confirm the wetland delineation on the Duxbury side first. Sam Butcher asked whether it was confirmed by USGS that the stream was intermittent and not perennial.

Nancy Rufo stated that two site visits were conducted to review the wetland delineation and there is concern regarding the intermittent stream, and the possibility that the IVW may actually be BVW. Ms. Rufo recommended continuing the hearing until after a peer review of the wetland delineation and resource areas is conducted by Lenore White of Wetland Strategies, Inc.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the public hearing on Tarkiln Road and 0 South Street to March 14, 2023 at 7:00 p.m. Motion passed unanimously 5-0.

Sam Butcher made a motion, seconded by Mickey McGonagle, to retain Lenore White of Wetland Strategies, Inc. per the scope of services dated 2/14/2023 to perform a peer review of the wetland delineation and resource areas at Tarkiln Road and 0 South Street. Motion passed unanimously 5-0.

PUBLIC HEARING; DUXBURY YACHT CLUB/DUXBURY CONSTRUCTION; 70 FAIRWAY LANE; NOTICE OF INTENT

SE18-2027

Scott Zoltowski, Vice Chair, read the Public Hearing Notice for SE18-2027 and announced that two board members would recuse themselves due to a conflict of interest. Due to a lack of quorum, Nancy Rufo offered applicants the next available hearing date of March 1, 2023 at 7:04 p.m.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the public hearing for 70 Fairway Lane to March 1, 2023 at 7:04 p.m. Motion passed unanimously 5-0.

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

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

PUBLIC HEARING; GARBARINO/CROWELL ENGINEERING; 170 Marshall Street; NOTICE OF INTENT

SE18-2029

Scott Zoltowski, Vice Chair, read the Public Hearing Notice for SE18-2029. Freeman Boynton, Jr, Duxbury Construction, Brad Holmes, Environmental Consulting and Restoration, and Bob Crowell, Crowell Engineering, were in attendance for the proposed project. Mr. Boynton presented plans for a seasonal boardwalk, gangway, and float. The boardwalk will consist of three removable sections of aluminum and will include wood decking to conform with Zoning regulations. A 1" gap between the decking will be maintained to allow light infiltration. The gangway dimensions are 3' wide with 28" removable sections, and 28" high to provide a 1:1 height to width ratio. Mr. Boynton stated the project is no more than 30' from the salt marsh and the proposed location at the Mean High Water line is necessary to accommodate a float. Mr. Boynton stated that construction of the boardwalk will require an excavator to drive pilings and rubber mats and plywood will be used under wheels to protect the saltmarsh. Board members asked property owner John Garbarino where the boardwalk, gangway and float would be stored in the off-season. Mr. Garbarino stated that Bayside will transport and store. Mr. Boynton proposed a float measuring 8'x25', totaling 200 square feet. Nancy Rufo stated that town bylaws allow floats no more than 10'x20', and square footage is not part of the regulations.

Board members acknowledged the good health of the saltmarsh and the low impact of a seasonal dock and pier. Nancy Rufo noted that the only comments from abutters were in support of this project. Ms. Rufo stated that she is comfortable issuing Orders of Conditions for SE18-2029, with the conditions that the float dimensions will be revised to 10' x 20', and after stakes are confirmed to be in the correct position.

Sam Butcher made a motion, seconded by Holly Morris, to issue Orders of Conditions for SE18-2029, with conditions that float dimensions do not exceed 10' x 20' and the correct placement of stakes is confirmed by the Conservation Agent. Motion passed unanimously 5-0.

CONTINUED PUBLIC HEARING; KRAMER/MERRILL ENGINEERS AND LAND SURVEYORS; 80 SOUTH RIVER LANE WEST; NOTICE OF INTENT

SE18-2024

Hearing was continued from January 31, 2023 to provide time to clarify Section 23.9 paragraphs b. and c. of the town regulations regarding walled foundations within the 50' buffer zone. Applicant was also asked to propose additional mitigation measures. Tom Pozerski of Merrill Engineers and Land Surveyors presented revised plans with additional mitigation within the 40' buffer including native woody species, a keystone diaphragm, and biofilter. Board members complimented Mr. Pozerski on the comprehensive mitigation measures but expressed concern that the site is saturated and a high activity area.

Nancy Rufo stated the current version of the bylaw has a clerical error in Section 23.9 paragraph b. Ms. Rufo confirmed that the bylaw allows a walled foundation between the 50' and 100' buffer, but no walled foundation is allowed between the 35' and 50' buffer. Ms. Rufo researched the language and revision history of the bylaws. The language in paragraph b. and c. was consistent in 2006 and 2013, but the phrase "no closer than" was erroneously dropped from paragraph b. in 2017. Ms. Rufo and board members discussed projects involving a garage with a walled foundation within the 50' buffer that were denied by the Commission due to this bylaw in 2018. Ms. Rufo consulted with the previous Conservation Administrator and confirmed there has never been an exception to this bylaw. Ms. Rufo noted an approved permit for a garage within the 50' buffer with monolithic turn down footing. Commission members emphasized that the contradiction in the bylaw is an error, which

cannot be perpetuated to set a precedent. Board members requested a revised plan from the applicant proposing a non-wall foundation.

Scott Zoltowski made a motion, seconded by Corey Wisneski, to continue the hearing for SE18-2024 to March 1, 2023 at 7:05 p.m. Motion passed unanimously 5-0.

ADMINISTRATIVE MATTERS

EXTENSION OF ORDERS OF CONDITIONS; DUXBURY BEACH RESERVATION SE18-1198

Corey Wisneski recused herself. The Duxbury Beach Reservation is seeking to extend the Order of Conditions for an additional three years, beginning on March 13, 2023.

Sam Butcher made a motion, seconded by Holly Morris, to issue the Extension of Orders of Conditions for Duxbury Beach Reservation; SE18-1198. Motion passed 4-0-1.

Minutes for Approval:

Regular Session Minutes: January 3, 2023

Sam Butcher made a motion, seconded by Holly Morris, to approve the January 3, 2023 Regular Session minutes. Motion passed unanimously 5-0.

Regular Session Minutes: January 17, 2023

Sam Butcher made a motion, seconded by Holly Morris, to approve the January 17, 2023 Regular Session minutes. Motion passed unanimously 5-0.

Regular Session Minutes: January 18, 2023

Sam Butcher made a motion, seconded by Corey Wisneski, to approve the January 18, 2023 Regular (Zoom) Session minutes. Motion passed unanimously 5-0.

Regular Session Minutes: January 31, 2023

Corey Wisneski made a motion, seconded by Mickey McGonagle, to approve the January 31, 2023 Regular Session minutes. Motion passed unanimously 5-0.

Tree Policy Update:

Nancy Rufo notified the Commission that the Tree Policy is still in the revision process.

NEW BUSINESS

Update on 160 Marshall Street

Nancy Rufo updated Commission members regarding the status of the wetland violation at 160 Marshall Street. The property owners provided an update that they are researching companies to cap the plumbing and will inform Conservation when work is completed. Ms. Rufo reminded the property owners of the 30-day limit to comply.

Gifford/Temple Pumphouse

Scott Zoltowski requested that a discussion regarding pumphouse disrepair and motorized vehicle activity be added to the March 14, 2023 meeting agenda. Board members discussed inviting the Chief of Police to a Conservation meeting.

ADJOURNMENT: Corey Wisneski made a motion, seconded by Holly Morris, to adjourn the meeting at 8:13 p.m. Motion passed unanimously 5-0

The next Conservation Commission meeting is scheduled for Wednesday, March 1, 2023 at 7:00 p.m.