



Approved April 27, 2021

TOWN CLERK

2021 JUN 16 AM 10:30

Town of Duxbury

Conservation Commission

DUXBURY, MASS.

Minutes of April 6, 2021

The Duxbury Conservation Commission met on Tuesday, April 6, 2021 at 7:00 p.m. via a remote Zoom meeting.

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

Members Absent: None

Staff Present: Joe Grady, Conservation Administrator; Pat Loring, volunteer

Meeting was called to order by Chair, Corey Wisneski at 7:00 p.m.

Ms. Wisneski read the following preamble: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, 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 listed on the Agenda. No in-person attendance of members of the public will be permitted. Every effort will be made to ensure the public can adequately access the proceedings to the best of our technical abilities.

Members present on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes.

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session: March 23, 2021. Holly Morris made a motion, seconded by Sam Butcher to approved the minutes of March 23, 2021. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

Emergency Certification: Bay Avenue Seawall. The seawall located at the town line is falling over and needs repairs. Army Corps of Engineers has now weighed in. They are paying 10% of the project costs. MA Department of Marine Fisheries has determined the area to be Atlantic Cod habitat. Joe Grady issued a 30-day Emergency Certificate to proceed with the seawall repairs. The Emergency Certificate must be reaffirmed by the Commission.

Robb D'Ambruoso made a motion, seconded by Sam Butcher, to reaffirm the issuance of the Bay Avenue Emergency Certificate. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 121 TEMPLEWOOD DRIVE; TREE CUTTING & GRADING:

Corey Wisneski read the Request for Determination of Applicability Legal Notice for 121 Templewood Drive. Freeman Boynton, Duxbury Construction, LLC, presented the project for owners, Barnes and Maura Davis. The project, within 50 ft. of a cranberry bog, consists of tree

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.

cutting and grading around an existing pool area. Erosion control measures will be installed prior to the start of work. No material will be brought in from off site. Joe Grady recommended a Negative Determination.

Sam Butcher made a motion, seconded by Holly Morris, to issue a Negative Determination for 121 Templewood Drive. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes; Cory Wisneski, yes. Motion carried 6 to 0.

7:15 p.m. Tom Gill arrived.

PUBLIC MEETING; TOWN OF DUXBURY; TOWN LANDINGS; ROUTINE MAINTENANCE:

Corey Wisneski read the Request for Determination of Applicability Legal Notice for the Town of Duxbury routine maintenance at Town Landings. Joe Grady reported the current three-year Negative Determination has expired and needs to be reauthorized. Routine work typically consists of removing debris, grading, filling holes, etc. The RDA authorization is for all Duxbury Town Landings, both salt and fresh water. When work is required at a Town Landing, the DPW notifies Joe Grady, they meet on site and Mr. Grady approves or modifies the work before it proceeds. He recommended a Negative Determination.

Tom Gill made a motion, seconded by Sam Butcher, to issue a Negative Determination for routine maintenance at Town Landings. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

**PUBLIC HEARING; BIAGINI/SEACOAST ENGINEERING CO.; 34 PARTRIDGE ROAD;
HOUSE ADDITION
SE18-1956**

Corey Wisneski read the SE18-1956 Public Hearing Legal Notice. Paul Brogna, Seacoast Engineering, presented the Biagini's project to construct an 8 ft x 12 ft. addition to their home. A Bordering Vegetated Wetland and a Perennial Stream are present on the property. The project is entirely within the 200 ft. Riverfront Area and 97 ft. from the wetland, flagged by Wetland Scientist, Brad Holmes. Existing Buffer Zone site coverage is 13.7%, proposed Buffer Zone site coverage will be 13.8%, below the 15% maximum allowable. Existing Riverfront site coverage is 23%, proposed Riverfront site coverage is 23.4%. A silt sock erosion control barrier will be installed prior to the start of work. The project is also in Wellhead Protection Zone II. There will be no increase in bedrooms. Joe Grady stated the information was complete and he recommended writing an Order of Conditions.

Sam Butcher made a motion, seconded by Robb D'Ambruoso, to close the Public Hearing and write an Order of Conditions for SE18- . Motion passed unanimously on a roll call vote: Sam Butcher, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

ADMINISTRATIVE MATTERS:

Encroachment/Grant of Easement: Stamper, 65 Pine Point Road.

Joe Grady presented the existing problem. Homeowners at 65 Pine Point Road are currently accessing their home, which is surrounded by conservation land and saltmarsh, over a sewer easement on conservation land. The legal driveway to the home is along and in a saltmarsh. The front steps of the house are on conservation land. Getting a legal easement to the home is complicated, involving going to the state legislature. The homeowners are also using adjacent

conservation land to store personal items. It was agreed the homeowners must remove any items on the conservation land and a fence should be installed on 65 Pine Point Road property boundaries. Attorney for the landowners thinks he may be able to solve the access problem through the Land Court, with compensation for the encroachment, and not going through the legislature. Mr. McGonagle suggested the Town should have Right of First Refusal to purchase the property since it is surrounded by town owned land. Discussion followed on whether the town needs an easement over a second Stamper lot to access the conservation land in the rear.

On Scott Zoltowski's recommendation, Tom Gill made a motion, seconded by Robb D'Ambruoso, to forward the Easement Plan to Town Counsel for review. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

Extension Requests:

SE18-1812; 283 King Caesar Road.

Joe Grady recommended extending SE18-1812 for another three years. Work remains to be done.

Sam Butcher made a motion, seconded by Holly Morris, to extend SE18-1812 for three years. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

SE18-1810; 59 Gurnet Road.

This project has been discussed at previous meetings. A wall was built in the wrong place and the landowner is working to resolve the issue with the contractor. Commissioners decided a one-year extension would be appropriate and quarterly written updates starting June 30, 2021 would be required.

Sam Butcher made a motion, seconded by Mickey McGonagle, to extend SE18-1810 for one year, with written updates to the Conservation Office every quarter starting June 30, 2021. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

37 Ocean Road North Site Visit Scheduled: The Commission will visit 37 Ocean Road North at 8:00 AM on April 12, 2021.

Adjournment: Holly Morris made a motion, seconded by Robb D'Ambruoso, to adjourn the meeting at 8:05 p.m. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 7 to 0.

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, April 27, 2021 at 7:00 p.m.