



Town of Duxbury Conservation Commission

Minutes of April 26, 2022

Approved May 10, 2022

TOWN CLERK

2022 MAY 20 PM 12:16

DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, April 26, 2022 at 7:00 p.m. via remote Zoom videoconferencing.

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

Members Absent. Tom Gill and Scott Zoltowski

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. Ch. 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; Corey Wisneski, yes; and Robb D'Ambruoso, yes.

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session, April 12, 2022. Sam Butcher made a motion, seconded by Holly Morris, to approve the April 12, 2022 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso. Motion carried 5-0.

Certificate of Compliance:

SE18-1810: Martin/Stenbeck and Taylor; 59 Gurnet Road; Revetment. Joe Grady reported the seawall has been moved back and is now in compliance with the Order of Conditions. He recommended issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance of SE18-1810. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso. Motion carried 5-0.

PUBLIC HEARING, DAHLEN/DUXBURY CONSTRUCTION LLC; 355 TEMPLE STREET; YARD EXPANSION

SE18-2004

Robb D'Ambruoso read the Legal Notice for SE18-2004. Freeman Boynton, Duxbury Construction, LLC, representing Jennifer Dahlen, presented the project to remove trees, move fill from the abutter's property, grade and seed the disturbed area, all within 25 ft. of the wetland. Bark mulch will be used to stabilize the area. Joe Grady suggested jute matting be placed under the bark mulch to ensure the slope is stabilized. Mr. Boynton agreed. When asked, Mr. Boynton guessed 200 to 300 yards of material will be moved onsite.

Corey Wisneski made a motion, seconded by Sam Butcher, to close the Public Hearing and write an Order of Conditions for 355 Temple Street, SE18-2004. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0

PUBLIC HEARING, EWING/DUXBURY CONSTRUCTION LLC; 353 TEMPLE STREET/BARN, POOL AND DRIVEWAY

SE18-2003

Robb D'Ambruoso read the Legal Notice for SE18-2003. Freeman Boynton, Duxbury Construction LLC, presented the project for owner Bryan Ewing, who was present. The project consists of changing the driveway location, clearing behind the house and planting a lawn within the Buffer Zone. A barn will also be added to the property for Mr. Ewing's lobster gear. Fill from this site will be moved to the abutting property at 355 Temple St. An erosion control barrier will be installed 25 ft. from the wetland edge on a 4:1 slope. Impervious surface within the Buffer Zone is now 7.5%, it will increase to 8.8% following project completion. The applicant began work, some of which was in the Buffer Zone, without an Order of Conditions. In answer to Holly Morris' question, Mr. Boynton stated four trees with a diameter of 12" to 14" had been removed in the Buffer Zone, 8 to 10 were removed outside the Buffer Zone. No erosion control or limit of work line was installed and no Order of Conditions had been issued. It was noted the work was a wetland violation, however it would have been permitted if a Notice of Intent had been filed prior to work starting. The Commission issued a warning to Mr. Ewing to adhere to the Order of Conditions. Corey Wisneski remarked on the new driveway being partially on the abutters' property. A land swap is planned. Sam Butcher stated the erosion control measures should be installed soon and a limit of work line established. No further work should take place until the erosion control measures are in place. Joe Grady stated he was not pleased the project started without an Order of Conditions, but the project met the Commission's Rules and Regulations and he recommended writing an Order of Conditions.

Sam Butcher made a motion, seconded by Corey Wisneski, to close the Public Hearing and write an Order of Conditions for 353 Temple Street, SE18-2003. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

PUBLIC HEARING, BOYNTON/DUXBURY CONSTRUCTION LLC; MODOC STREET/ PAVING SE18-2007

Robb D'Ambruoso read the Legal Notice for SE18-2007. Freeman Boynton, Duxbury Construction LLC, presented the project for himself and his son, Bo Boynton. The full project will pave Modoc Street, currently a dirt road. One section of the road is within the Conservation Commission's jurisdiction. The road width will be widened to 20 ft with an asphalt surface pitched to minimize runoff to the Resource Area. Terese Cosmenski (27 Teakettle Lane), commented on the project's impact to public use of the adjacent conservation land. Joe Grady and others informed Ms. Cosmenski of the Commission's limited jurisdiction on this project.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write an Order of Conditions for Modoc Street paving, SE18-2007. Motion passed on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0

CONTINUED PUBLIC HEARING; DANIELS/GRADY CONSULTING; 2 SHANTUM LANE; POOL Dux2022-01 (Local Bylaw Only)

Following a ZBA denial, the applicant continues to work on a new plan. He requested a Public Hearing continuance until May 24, 2022 at 7:15 p.m.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to continue the Public Hearing for Dux2022-01 until May 24, 2022 at 7:15 p.m. Motion passed on a roll call vote: Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

CONTINUED PUBLIC HEARING; NEELON/ SEACOAST ENGINEERING; 146 GURNET ROAD; RAZE/CONSTRUCT NEW SFH SE18-1992

With insufficient time to review Commission consultant, Lenore White's recently submitted response to Paul Brogna's response to her original project review, the Commission discussed continuing the Public Hearing. Holly Morris suggested a site visit would help with the analysis. Paul Brogna reviewed his response to each of Ms. Whites' points in her memo dated 4/25/2022. Brad Holmes, Wetland Scientist for the applicant, commented that setbacks do not apply because the project is in a Resource Area and further that there are overlapping Resource Areas. Lenore White acknowledged the plans have been updated and a work sequence provided. She encouraged the Commission to visit the site and view the Resource Areas in question.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to continue the Public Hearing until May 10, 2022 at 7:10 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

NEW BUSINESS:

- Robb D'Ambruoso reported he, Mickey McGonagle and Joe Grady met with Town Manager, Rene Read; HR Director, Jeannie Horne; and Finance Director, John Adams

regarding hiring a new Conservation Administrator and reviewing the Commission's Strategic Plan. Mr. Read suggested removing operational items from the Strategic Plan. It was proposed the Search Committee/Hiring Team consist of two members of the Conservation Commission; one member of the Community Preservation Committee (CPC); one member of the Selectboard; Town Manager, Rene Read; DPW Director, Peter Buttkus; HR Director, Jeannie Horne and Director of Municipal Services, Jim Wasielewski. The search is scheduled start on May 16, 2022. The Commission agreed Robb D'Ambruoso and Mickey McGonagle will represent the Conservation Commission and Holly Morris will represent the CPC. The full Conservation Commission will meet with the Selectboard on May 2, 2022 at 7:00 p.m. Mr. D'Ambruoso will revise the Strategic Plan prior to May 2, 2022. Joe Grady noted increased project complexities will require adjustments to new staff job descriptions. Mr. D'Ambruoso will send the revised Strategic Plan to Rene Read and notify him the Commission will attend the Selectboard's May 2, 2022 meeting at 7:00 p.m.

ADJOURNMENT: Sam Butcher made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 8:20 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Corey Wisneski, yes; and Robb D'Ambruoso, yes. Motion carried 5-0.

The next meeting is scheduled for Tuesday, May 10, 2022 at 7:00 p.m.