



Town of Duxbury Conservation Commission

Minutes of May 23, 2023

Approved June 13, 2023

TOWN CLERK

2023 JUN 15 PM 3:28

DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, May 23, 2023 at 7:00 p.m.

Members Present: Robb D'Ambruoso, Chair; Scott Zoltowski, Vice Chair; Sam Butcher; Corey Wisneski; Mickey McGonagle (via remote ZOOM); and Holly Morris

Members Absent: Thomas Gill, III

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:05 p.m.

Mr. D'Ambruoso read the following preamble: Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided, the meeting/hearing will not be suspended or terminated if there are technological problems, unless required by law.

Roll call vote of members present: Mickey McGonagle, yes; Sam Butcher, yes; Holly Morris, yes; Corey Wisneski, yes; Scott Zoltowski, yes; Robb D'Ambruoso, yes.

PUBLIC HEARING; MCGILL/DUXBURY CONSTRUCTION; 5 SURFSIDE WEST, SEAWALL REPAIR AND FILL SE18-2041

Robb D'Ambruoso read the Legal Notice opening the hearing for 5 Surfside West. Freeman Boynton of Duxbury Construction presented the proposed project. An Order of Conditions was recently issued for home construction on this parcel. Upon starting the project, Mr. Boynton discovered a cement seawall in disrepair. Property owners want to remove the seawall and adjacent fire pit. Mr. Boynton proposed to remove and replace with native vegetation to restore the salt marsh. A granite block curb will delineate the edge of lawn and salt marsh. Mr. Boynton stated work will not raise elevation and will take place at the same time as home construction.

Nancy Rufo stated that she made a site visit and the work proposed by Duxbury Construction meets regulations and will improve the site.

Sam Butcher made a motion, seconded by Corey Wisneski, to close hearing and issue Orders of Conditions for SE18-2041. Motion passed unanimously on a roll call vote; Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

PUBLIC HEARING; ZISKO/DUXBURY CONSTRUCTION; 262 LAKESHORE DRIVE, REMOVAL OF STAIRS, FILL, AND TREE REMOVAL SE18-2042

Robb D'Ambruoso read the Legal Notice opening the hearing for 262 Lakeshore Drive. Freeman Boynton of Duxbury Construction presented the proposed project. Property owner is building a garage outside of the 100' buffer, and would like to use soil from construction to level off area of yard between the 25' and 100' buffer which involves the removal of two trees. Existing stone steps within the 25' buffer will be removed and replaced with the same footprint.

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

Nancy Rufo stated that she made a site visit and the project meets regulations.

Sam Butcher made a motion, seconded by Scott Zoltowski, to close hearing and issue Orders of Conditions for SE18-2042. Motion passed unanimously on a roll call vote; Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

CONTINUED PUBLIC HEARING; PERRY PHILLIPS WOODS LLC/MCKENZIE ENGINEERING; LAND OFF KEENE STREET, PARKSIDE DEVELOPMENT, DRAINAGE FOR SUBDIVISION SE18-2028

Nancy Rufo informed board members that Lenore White of Wetland Strategies (WSI) performed a peer review of the project and provided a report on April 3. On May 2, NHESP issued a review of the project. Conservation received written responses from McKenzie Engineering and South River Environmental regarding WSI and NHESP reports. After receipt of this correspondence, WSI issued a second report on May 9. Conservation received written responses from McKenzie Engineering and South River Environmental again. Ms. Rufo explained this is the first meeting since the peer review and correspondence.

Lenore White of Wetland Strategies presented her review and stated that the project as proposed will result in a Take of state-listed species. NHESP requires applicant to have a conservation management plan prior to the start of work, but applicant has not demonstrated how they intend to protect rare species. Ms. White noted that only a portion of the project is within the buffer, and asked applicant if they could move entire project outside of 100' buffer.

Bradley McKenzie of McKenzie Engineering presented a draft plan of the drainage basin moved completely out of the buffer and explained that it won't comply with 50-foot frontage zoning regulation. Moving the drainage basin outside of buffer would bring it close to homes and require construction of a walled fence. Mr. McKenzie stated it is reasonable to categorize the drainage basin as a rain garden or stormwater infrastructure and that NHESP said it would be suitable habitat after construction.

John Zimmer of South River Environmental stated that the stormwater detention basin will not adversely impact habitat and will provide suitable nesting habitat when completed. Mr. Zimmer also stated that MESA permitting is in process but cannot move forward without demonstrating project will have a net benefit. Bradley McKenzie presented a preliminary draft plan to board members and stated that NHESP has agreed to the plan but could take about a month for the approval process. Commission members discussed drawbacks of issuing Orders before NHESP information is known, and agreed that additional time is required to review.

Corey Wisneski made a motion, seconded by Sam Butcher, to continue the hearing on SE18-2028 to July 11, 2023 at 7:00 p.m. Motion passed unanimously on a roll call vote; Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

PUBLIC MEETING; CATALDO/DUXBURY CONSTRUCTION; REQUEST FOR DETERMINATION OF APPLICABILITY, 30 SPRING STREET, REMOVE AND REBUILD PORTION OF EXISTING SEAWALL

Robb D'Ambruoso read the Legal Notice opening the meeting for 30 Spring Street. Freeman Boynton of Duxbury Constructed presented the proposed project on behalf of property owners. The current seawall was built over ten year ago and steps built into the structure have been washed

away twice during storms. Property owners want to remove steps and replace with seasonal aluminum steps that will be removed at end of the season. Abutters, Doris and John Kolstad of 19 Standish Road, and Christine Richmond of 22 Spring Street, were in attendance to confirm that stairs will continue to be shared so neighbors have access to the shore.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a negative determination and a Notice of Intent is not required for the proposed project. Motion passed unanimously on a roll call vote; Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

ADMINISTRATIVE MATTERS

Duxbury Sugar Kelp Farm

John Lovett, owner and operator of Duxbury Sugar Kelp Farm, provided an update on the progress of the whale-friendly aquaculture farm on 10-acre lease sited northwest of Clark's Island. Mr. Lovett explained that Kelp is a winter crop and the second growing season was just completed. Two tons of kelp were harvested, which is the equivalent of removing 70lbs of carbon, and 46lbs of nitrogen from the ocean. The kelp is sold to a Maine company and used entirely for food products. Mr. Lovett is collaborating with Woods Hole Group and was recently interviewed by Reuters and AFP.

Duxbury Bay Eel Grass Restoration Update, Forest Schenck, Ph.D.

Forest Schenck of the Division of Marine Fisheries provided an update on the Duxbury Bay eelgrass restoration project, sited northeast of Clarks Island. The goal of the eelgrass restoration is to improve and enhance fish habitat. First test plot in 2022 had initial 17% survival rate, but dropped to zero months later due to unseasonably strong wind and waves. Adjustments in 2023 test plot involves plants with larger rhizomes, planting at high tide to improve visibility, and planting later in spring. Full scale restoration can move forward once test plot survival rate is greater than 50%.

Envision Duxbury Discussion

Planning Director, Chris Ryan rescheduled discussion for July 11th hybrid meeting.

Minutes for approval: Regular Session May 9, 2023

Sam Butcher made a motion, seconded by Corey Wisneski, to approve the meeting minutes of May 9, 2023 as amended. Motion passed unanimously on a roll call vote; Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

North Hill Land Transfer

The North Hill Land Transfer discussion was tabled until June 13, 2023 meeting.

Crowell Bog Barn

Nancy Rufo updated board members on the status of the Crowell Bog barn. Several options of repurposing deconstructed barn materials were considered, but all options posed safety and financial issues. Demolition was completed last week and additional dumpsters were necessary. The additional fees require approval by the Conservation Commission.

Corey Wisneski made a motion, seconded by Holly Morris, to approve the payment of fees related to the Crowell Bog barn demolition. Motion passed unanimously on a roll call vote;

CONSERVATION MINUTES

May 23, 2023

Page 4

Approved June 13, 2023

Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

Foundation Regulation clarifications

The clarification of foundation regulations was tabled until the June 13, 2023 meeting.

NEW BUSINESS

None.

ADJOURNMENT

Sam Butcher made a motion, seconded by Corey Wisneski, to adjourn the meeting at 9:25 p.m. Motion passed unanimously on a roll call vote; Mickey McGonagle, aye; Sam Butcher, aye; Holly Morris, aye; Corey Wisneski, aye; Scott Zoltowski, aye; Robb D'Ambruoso, aye. Motion carried 6-0

The next meeting is scheduled for June 13, 2023