



Approved October 25, 2022

Town of Duxbury Conservation Commission

TOWN CLERK

2022 DEC 30 AM 9:34

DUXBURY, MASS.

Minutes of September 13, 2022

The Duxbury Conservation Commission held an in-person meeting in the Town Hall Mural Room on Tuesday, September 13, 2022 at 7:00 p.m.

Members Present in Person: Sam Butcher; Tom Gill, Mickey McGonagle, Holly Morris and Corey Wisneski.

Members Absent: Robb D'Ambruoso and Scott Zoltowski

Staff Present: Nancy Rufo, Conservation Administrator and Pat Loring, volunteer

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

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Regular Session: August 23, 2022. Tom Gill made a motion, seconded by Sam Butcher, to approve the Regular Session minutes of August 9, 2022 with one edit. Motion passed unanimously 5 to 0.

Executive Session: August 23, 2022. Sam Butcher made a motion, seconded by Holly Morris, to approve the Executive Session minutes of August 9, 2022 not for public release. Motion passed unanimously 5 to 0.

Request for Modification:

SE18-1906 Romano/Seacoast engineering; 365 King Caesar Road, pier. Paul Brogna, Seacoast Engineering, presented the project modification for property owner, Dr. Romano. In 1995 a new seawall and stairs were approved and built. The 7 ft. x 9 ft. wooden landing was not included at that time. The current modification is replacement of the deteriorated wooden landing with a new wooden landing of the same size and material in the same location. There was no further discussion.

Holly Morris made a motion, seconded by Tom Gill, to approve the modification to SE18-1906 as presented. Motion passed unanimously 5 to 0.

PUBLIC MEETING; MULLER/DUXBURY CONSTRUCTION; 158 AUTUMN AVE., DECK (After the fact)

Corey Wisneski read the Legal Notice for the 158 Autumn Avenue project. Freeman Boynton, Duxbury Construction, representing the Mullers, presented the project. In 2001, the Mullers added an attached garage on sonar tubes to their home. Ten years ago, a deck was added. A portion of the deck is within the 100 ft. Buffer Zone to a Bordering Vegetated Wetland. Although it is after the fact, the deck meets the Duxbury Wetland Bylaw Rules and Regulations and would have received a Negative Determination of Applicability if applied for in a timely manner.

Sam Butcher made a motion, seconded by Holly Morris, to issue a Negative Determination. A Notice of Intent is not required for the existing deck at 158 Autumn Avenue. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; and Corey Wisneski, yes. Motion carried 5 to 0.

CONTINUED PUBLIC HEARING; BRADFORD/GRADY CONSULTING; 15 LEWIS COURT; RAZE/REBUILD SINGLE FAMILY HOME SE18-2014

Lack of a sitting quorum for this project, required the Public Hearing to be continued to the September 27, 2022 meeting at 7:10 p.m.

Tom Gill made a motion, seconded by Sam Butcher, to continue the Public Hearing for SE18-2014 until September 27, 2022 at 7:10 p.m. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes. Motion carried 5 to 0.

ADMINISTRATIVE MATTERS:

Certificate of Compliance

SE18-1963 Leach; 10 Pine Point Place; landscaping: Conservation Administrator, Nancy Rufo, reported the oversized patio has been brought into compliance with the Plan of Record. She recommended issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1963. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

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

Nancy Rufo reported the applicant's check has been received to pay for the Peer Review. Peer Reviewer, Lenore White's proposal of 3/9/22 expired and was reissued. The reissue date is 8/10/22. The Public Hearing must now be continued to allow time for the Peer Review.

Sam Butcher made a motion, seconded by Holly Morris, to approve Lenore White's proposal dated 8/10/22. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

Tom Gill made a motion, seconded by Mickey McGonagle, to continue the Public Hearing for Dux2022-01 until September 27, 2022 at 7:15 p.m. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

PUBLIC HEARING; CASO/GRADY CONSULTING; 44 RIVER LANE; BULKHEAD SE18-2017

Corey Wisneski read the Legal Notice of SE18-2017. Sam Butcher stated he occasionally works for Grady Consulting, but did not work on this project. Paul Seaburg, Grady Consulting, presented the project for the Casos. The project consists of removing the deteriorated timber bulkhead at the end of an earthen wharf and replacing it a new smaller timber bulkhead in the same location. Questions followed on how the work will be done. A machine located on the upland earthen wharf will remove all the bulkhead and piles from above and rebuild the new bulkhead from the same location. No machines will be on the tidal flat.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and issue an Order of Conditions for SE18-2017. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

PUBLIC HEARING; WINTERLE/5 WETLANDS; 20 SOUTH RIVER LANE; ADDITION SE18-2016

Corey Wisneski read the Legal Notice for SE18-2016. Ken Thompson, Botanist, 5 Wetlands, presented the project for Matthew Winterle, who was present. The project consists of adding a kitchen and mudroom addition on the existing side deck. Nancy Rufo noted the existing deck, which will not be altered, is within 35 ft. of a Bordering Vegetated Wetland. She also stated the plan and calculations submitted are inconsistent. Corey Wisneski requested a new plan with consistent calculations.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and issue an Order of Conditions for SE18-2016 once a new Plan of Record has been received. Sam Butcher stated three additions must be received before the Order of Conditions is released: 1)

Coverage calculations must be corrected, 2) Wetland lines must be added to the plans and 3) Corrected plan calculations must be consistent with submitted materials. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

PUBLIC MEETING; DELANO/DUXBURY CONSTRUCTION; 246 ENTERPRISE STREET, GRADING

Corey Wisneski read the Legal Notice of the 246 Enterprise Street Request for Determination. Freeman Boynton, Duxbury Construction, presented the project which consists of grading, leveling and reducing the earthen cover over a replaced septic system. Removal of the material is required by Title V. Two Bordering Vegetated Wetlands are located approximately 100 ft. from the project. There was no further discussion.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Negative Determination for the 246 Enterprise Street project. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

NEW BUSINESS:

Discussion related to hiring nonunion personnel: On advice from Town Hall, this personnel topic was discussed in Open rather than Executive Session. The Commission is frustrated that they have not received clear or timely information from Town Hall on posting the Conservation Principal Assistant position. In addition, the responses they have received have been inconsistent between departments. In the meantime, new Conservation Administrator Nancy Rufo is filling two positions without an assistant and no town action scheduled. A Personnel Action Request and a Town Meeting vote is needed to upgrade the position from Principal Assistant to Conservation Specialist. Although it was the Commission's desire to facilitate this change during Special Town Meeting scheduled for October 17th, they were told this type of reclassification could not happen until the Annual Town Meeting in March 2023.

Discussion followed and an action plan was developed. Joe Grady has been approved to assist the department temporarily for 2.5 weeks until 9/30/22, which the Commission believes is an inadequate amount of time. All stipends for Joe Grady and others were eliminated.

ADJOURNMENT:

At 8:10 p.m., Sam Butcher made a motion, seconded by Mickey McGonagle, to adjourn the meeting. Motion passed unanimously: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; and Corey Wisneski, yes; Motion carried 5 to 0.

The next Conservation Commission meeting is scheduled for Tuesday, September 27, 2022 at 7:00 p.m. in person in the Town Hall Mural Room.