



Approved October 25, 2022

Town of Duxbury Conservation Commission

TOWN CLERK
2022 DEC 30 AM 9:34
DUXBURY, MASS.

Minutes of October 11, 2022

The Duxbury Conservation Commission held an in-person meeting in the Town Hall Mural Room on Tuesday, October 11, 2022 at 7:00 p.m.

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

Members Absent: Tom Gill and Scott Zoltowski.

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:00 p.m.

ADMINISTRATIVE MATTERS:

Request for Modification:

SE18-1875 Caffrey/Grady Consulting, LLC; 208 Myrtle Street; new hardscape and landscape around pool. Project modification includes a 0.3% increase in site coverage. Nancy Rufo recommended approving the modification.

Corey Wisneski made a motion, seconded by Sam Butcher to approved the modification to SE18-1875. Motion passed unanimously 5-0.

Certificates of Compliance:

SE18-1176 Muller/Duxbury Construction; 44 Bay Road; fill & grade rear yard. A shed, which was missing from the plan, has been added. Nancy Rufo recommended issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Corey Wisneski, to issue a Certificate of Compliance for SE18-1176. Motion passed unanimously 5-0.

SE18-1712 Tedeski/Atlantic Coast Engineering; 7 Bay Ave. single family home. Nancy Rufo stated she has inspected the site everything is in order and she recommends issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1712. Motion passed unanimously 5-0.

SE18-1948 Duffy/Duxbury Construction; 72 Plymouth Ave; foundation, addition, repairs, landscaping. Joe Grady and Nancy Rufo inspected the site in August. They asked that seasonal stairs be added to the plans. All documents have been received and Ms. Rufo recommends issuing a Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1948. Motion passed unanimously 5 to 0.

PUBLIC MEETING; OTOCKA/ENVIRONMENTAL CONSULTING & RESTORATION; 47 ST. GEORGE STREET; REPLACE POOL, POOL PATIO, RELOCATE WELL, REMOVE KOI POND, WALL

Robb D'Ambruoso read the Request for Determination of Applicability Legal Notice for 47 St. George Street. Freeman Boynton, Duxbury Construction LLC. presented the project for landowner, Eddie Otocka, who was present. Brad Holmes, ECR, was also present. The project is within the 100 ft Buffer Zone to a Bordering Vegetated Wetland and within a 200 ft. Riverfront area (Bluefish River). Freeman Boynton requested a continuance of the Public Meeting in order to revise the calculations and plan. Nancy Rufo agreed the revisions are necessary.

Sam Butcher made a motion, seconded by Corey Wisneski, to continue the Public Meeting for 47 St. George Street until October 25, 2022 at 7:05 p.m. Motion passed unanimously 5 to 0.

PUBLIC MEETING; MCDONALD/DUXBURY CONSTRUCTION; 61 MAPLE POND LANE; TREE DEBRIS REMOVAL, GRUB AREA, PLANT GRASS

Robb D'Ambruoso read the Request for Determination of Applicability Legal Notice for 61 Maple Pond Land. Freeman Boynton presented to the project. An October 2021 storm took down many large trees on this property and on the abutting lot. The homeowner has cut up the downed trees and has asked Freeman Boynton to remove the debris, grub out the stumps and plant grass. Brad Holmes, ECR, has flagged the wetlands. A machine with a long reach can remain outside the Buffer Zone while removing the stumps and debris. In answer to a Commission question, Mr. Boynton stated there is very little slope in the project area. Nancy Rufo stated the project meets the Commission's Rules and Regulations, with the equipment staged outside the 50 ft. Buffer Zone, she recommends a Negative Determination.

Corey Wisneski made a motion, seconded by Sam Butcher issue a Negative Determination for 61 Maple Pond Lane. Motion passed unanimously 5 to 0.

CONTINUED PUBLIC HEARING; DANIELS/GRADY CONSULTING; 2 SHANTUM LANE; POOL

Dux2022-01 (Local Bylaw only)

Lenore White, Wetland Strategies LLC., consultant to the Commission, stated she visited the site on September 27, 2022 to review the wetland flags. She found them to be accurate. However, because of several factors, she found the wetland met the definition of a Bordering Vegetated Wetland (BVW) and not an Isolated Wetland as proposed by the applicant. Because it is a BVW, it is within the jurisdiction of the MA Wetlands Protection Act, as well as Duxbury's Local Wetland Bylaw and requires a Notice of Intent filing. Nancy Rufo gave a history of this longstanding project.

Corey Wisneski made a motion, seconded by Sam Butcher, to deny the project without prejudice and request the applicant to refile the project under the MA Wetlands Protection Act and the Duxbury Local Wetland Bylaw. Motion passed unanimously 5 to 0.

CONTINUED PUBLIC HEARING; O'CONNOR/SOUTH SHORE SURVEY CONSULTANTS; 44 ELDER BREWSTER ROAD; POOL, POOL DECKING, POOL HOUSE SE18-2019

Mark Casey, South Shore Survey Consultants, presented the project. Project is within the Buffer Zone of an off-site Bordering Vegetated Wetland (BVW). Mark Casey suggested the Local Wetland Bylaw allows for adjustments above the 15% allowed site coverage in the Buffer Zone. The project, to add a pool, pool decking and pool house proposes to change the existing coverage of 17.01% to 34.43% site coverage. Commissioners voiced their disapproval of the site coverage increase, including setting a precedent, pressure on the Commission and concerns with the outcome. Mark Casey suggested they could make changes to the plan and requested the Public Hearing be continued. Nancy Rufo requested the plans show the square footage of the proposed pool, pool house and decking.

Corey Wisneski made a motion, seconded by Sam Butcher, to continue the Public Hearing to November 8, 2022 at 7:05 p.m. Motion passed unanimously 5 to 0.

CONTINUED PUBLIC MEETING; GRANT MARSTON; 20 LAKE SHORE DRIVE; TREE REMOVAL

The Commission conducted a site visit to 20 Lake Shore Drive on October 3, 2022. Members of the original Public Meeting quorum are not present tonight so the Public Meeting must be continued.

Corey Wisneski made a motion, seconded by Sam Butcher, to continue the Public Meeting to November 8, 2022 at 7:10 p.m. Motion passed unanimously 5 to 0.

PUBLIC MEETING; STEVEN DEMARTINI; 87 CLEARWATER DRIVE; HOT TUB

Robb D'Ambruoso read the Request for Determination of Applicability Legal Notice for 87 Clearwater Drive. Steven Demartini, property owner, presented the project which consists of adding a hot tub on a pervious gravel base. Impervious site coverage in the Buffer Zone will increase to 12.7% to 12.9%. Nancy Rufo stated the project meets the Duxbury Wetland Bylaw Rules and Regulations and she recommends issuing a Negative Determination.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Meeting and issue a Negative Determination for the project at 87 Clearwater Drive. Motion passed unanimously 5 to 0.

Enforcement Update: Lenore White, Wetland Strategies Inc., consultant retained by the Commission for enforcement monitoring, reported on her site inspections to three Enforcement projects:

- 38 Hornbeam Road – The cleared wetland area has been replanted and restored by Botanist, Brad Holmes. The trees and shrubs are growing well. However, abutters on both sides of the wetland are dumping large amounts of lawn waste into the restored wetland. Lenore White suggested a letter be sent to the abutters requesting they cease the dumping. Sam Butcher asked what were lessons learned from this project. Ms. White responded that, when done correctly, wetland restoration is possible. She suggested another visit in the spring of 2023.
- 221 Standish Street – Brad Holmes' restoration plan is very good. The area was replanted by Brad Holmes. However, phragmites have taken over much of the area. Ms. White suggested invasive species control measures be implemented as part of the restoration. Lost trees should also be replaced.
- 23 Eagles Nest Road – The replanting is satisfactory in that the trees have been planted but not in the optimum locations for healthy growth. All trees are outside the view corridor from the house. Ms. White listed follow-up recommendations including contacting the applicant's botanist for wetland report (due when work was completed), assessing the success of the replication area, replacing any lost trees, and revisiting in the spring.

Staffing Update: Nancy Rufo reported Human Resources Director, Jeannie Horne, has revised the Conservation Principal Assistant job posting from Regular to Temporary. The position will hopefully be upgraded at Annual Town Meeting in March 2023 to a Conservation Specialist. Currently there are nine applicants for the open Assistant position. Interviews are not yet underway.

NEW BUSINESS

- The earlier discussion related to tree removal at 20 Lake Shore Drive spurred a larger discussion on the need for a potential tree removal policy by the Commission. Holly Morris reported other towns have such a policy in place, including Bedford and Weston. Several members stated it should be standard practice to have an Arborist identify trees needing removal, and that Bartlett Tree will do that work for free. In particular, Commissioners expressed concern the owner of 20 Lake Shore Drive (Grant Marston) might expect to receive permission to remove numerous trees at his November 8, 2022 continued hearing with the Commission. Since the project scope has significantly changed from the removal of 15 trees under an RDA to removal of 40 trees on the edge of a pond, a Notice of Intent (NOI) will most likely be required. Robb D'Ambruoso offered to communicate with Mr. Marston regarding these changes.
- The unoccupied house at 146 Gurnet Road burned down last week. There are open Order of Conditions on this property (SE18-1992)

- Sam Butcher updated the Commission on the bike jumps on town conservation land. There is no good solution. However, parents have agreed to tear down the jumps further in the woods and leave the "old" bike jumps in place.
- Nancy Rufo reported the New England Mountain Bike Association Trail Steward, Edward Newall, had a team of 11 members clean five miles of trails at Round Pond under the direction of Dave Philbrick, Conservation Field Assistant. The trails are now in very good condition.
- Unauthorized trails at Ashdod continue to be used despite signs to the contrary. One sign is now missing. The bridge and trail construction were completely unauthorized.
- Nancy Rufo reported the Delorenzo Farm trash pit has been cleaned out. Tree clearing for the well drillers is ongoing and cut trees have been chipped to be used for the pasture, animal bedding and trails.

Adjournment:

At 8:30 p.m., Corey Wisneski made a motion, seconded by Sam Butcher, to adjourn the meeting. Motion passed unanimously 5 to 0.

The next Conservation Commission meeting is scheduled for Tuesday, October 25, 2022 at 7:00 p.m. in person at the Town Hall Mural Room.