



Approved November 14, 2023

# Town of Duxbury Conservation Commission

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DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, October 24, 2023 at 7:00 p.m.

**Members Present:** Scott Zoltowski, Vice Chair; Sam Butcher; Tom Gill, III; Mickey McGonagle; Holly Morris

**Members Absent:** Robb D'Ambruoso, Chair; Corey Wisneski

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

Meeting was called to order by Scott Zoltowski at 7:01 p.m.

Scott Zoltowski 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. c. 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; Tom Gill, yes; and Scott Zoltowski, yes

## **PUBLIC HEARING; NOTICE OF INTENT; KREISER/DUXBURY CONSTRUCTION; 10 HIDDEN ACRES DRIVE, SFH ADDITION SE18-2055**

Scott Zoltowski read the public hearing notice into the record. Freeman Boynton Jr. presented proposed addition to single family home located near cranberry bog and isolated wetland. Wetlands delineated by Brad Holmes of Environmental Consulting & Restoration. Existing coverage is 4.2% and project will increase by 1.4% for a total of 5.6%.

Nancy Rufo informed the Commission she conducted a site visit, and agrees with the plan as presented. Ms. Rufo stated the wetland delineation appears to be correct, but flags A5 through A8 are missing and need to be replaced in order to be confirmed.

Sam Butcher made a motion, seconded by Tom Gill, to close the hearing and issue Orders of Conditions for SE18-2055, with the condition that wetland flags A5 through A8 are replaced for the Conservation Administrator to confirm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes. Motion carried 5-0.

## **PUBLIC HEARING; NOTICE OF INTENT; BUNSZEL/DUXBURY CONSTRUCTION; 54 PLANTATION DRIVE, RAZE/REBUILD SINGLE FAMILY HOME ADDITION ON PILE FOUNDATION SE18-2056**

Scott Zoltowski read the public hearing notice into the record. Freeman Boynton Jr. presented proposed project to raze and rebuild existing sunroom on piers with a slightly larger footprint. Addition is rotted out and needs to be replaced. Mr. Boynton stated wetlands were delineated by Brad Holmes of Environmental Consulting & Restoration, project meets Board of Health septic

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standards, and meets 35-foot setback requirement. Current coverage is 7.9% and increasing to a total of 8.2%.

Nancy Rufo conducted a site visit and agrees with proposed plans, but found a trampoline in the resource area when confirming wetland flags. Not necessary to include trampoline relocation in conditions as property owners agreed to move it to a suitable location as soon as possible.

Sam Butcher made a motion, seconded by Holly Morris, to close hearing and issue conditions for SE18-2056. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.  
Motion carried 5-0.

**CONTINUED PUBLIC HEARING; NOTICE OF INTENT; DPW/TOWN OF DUXBURY; DUXBURY SEAWALL PROJECT PHASE II, II, IV  
SE18-2052**

Nancy Rufo informed the Commission a request was received late in the afternoon to continue the hearing to November 14, 2023. DPW and Duxbury Beach Reservation (DBR) are still working on a revised plan for the southern terminus of the wall to protect against erosion and scour.

Sam Butcher made a motion, seconded by Holly Morris, to continue the hearing for SE18-2052 to November 14, 2023 at 7:02 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.  
Motion carried 5-0.

**CONTINUED PUBLIC HEARING; NOTICE OF INTENT; WALSH/CROWELL ENGINEERING; 50 RAILROAD AVE, SITE PREPARATION FOR DEVELOPMENT  
SE18-2059**

Nancy Rufo informed the Commission she conducted several site visits and an Order of Resource Delineation (ORAD) is required for this project. Ms. Rufo recommended continuing hearing until wetland line is confirmed.

Applicant Matthew Walsh of 24 Standish Road was in attendance representing The Winsor at Millbrook Village LLC. Mr. Walsh stated wetlands were reflagged by John Zimmer and reviewed by Pat Brennan. Nancy Rufo stated that Pat Brennan does not confirm wetland delineations and an ORAD is necessary for the entire site, not just the stream. Ms. Rufo recommended a peer review of the resource areas at the expense of the applicant and to continue the hearing to November 14, 2023. A proposal for the peer review dated October 11, 2023 from Lenore White of Wetland Strategies totals \$2,500.00.

Sam Butcher made a motion, seconded by Holly Morris, to retain Lenore White of Wetland Strategies Inc. to perform a peer review of the resource areas at 50 Railroad Ave. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.  
Motion carried 5-0.

Sam Butcher made a motion, seconded by Holly Morris, to continue the hearing for SE18-2059 to November 14, 2023 at 7:03 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.  
Motion carried 5-0.

**PUBLIC MEETING; REQUEST FOR DETERMINATION OF APPLICABILITY; BOYNTON; 34 SUNSET ROAD, DRIVEWAY REPAIR**

Scott Zoltowski read the public meeting notice into the record. Freeman Boynton Jr. presented proposed project to raise driveway ~8-10 inches and move driveway ~3-5 feet away from flood zone into easement previous owner created. Disturbed area will be planted with high tide bush.

Nancy Rufo informed the Commission she conducted a site visit and agrees with plan as presented and recommends issuing a negative determination.

Holly Morris made a motion, seconded by Sam Butcher, to issue a Negative Determination and a Notice of Intent is not required for the driveway repair at 34 Sunset Road. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.

Motion carried 5-0.

**ADMINISTRATIVE MATTERS**

**Certificates of Compliance:**

**SE18-1935 Archia Homes/Merrill Engineers; 455 Bay Road; guest house**

Nancy Rufo informed the Commission she conducted a site visit, confirmed the project was completed in compliance with Orders of Conditions and approved plan, and recommends issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1935. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.

Motion carried 5-0.

**SE18-2035 Sicilia/Duxbury Construction; 35 Bradford Road; drainage field**

Nancy Rufo informed the Commission she conducted a site visit, confirmed the project was completed in compliance with Orders of Conditions and approved plan, and recommends issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-2035. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.

Motion carried 5-0.

**Extension Permit:**

**SE18-1066 Perry/Solitude Lake; 1399 Tremont Street; aquatic management**

Nancy Rufo informed the Commission that the original Extension permit for SE18-1066 was never recorded and lost. A duplicate original signed by Commissioners is necessary for property owner to record at the Registry of Deeds.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Duplicate Extension of Orders of Conditions for SE18-1066. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.

Motion carried 5-0.

**Minutes for approval:**

**Regular Session Meeting Minutes September 26, 2023**

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the meeting minutes of September 26, 2023 with minor revisions. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.  
Motion carried 5-0.

**Regular Session Meeting Minutes October 10, 2023**

Sam Butcher made a motion, seconded by Mickey McGonagle, approve the meeting minutes of September 26, 2023. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.  
Motion carried 5-0.

**OPEN FORUM**

**NEW BUSINESS**

**Island Creek Pond Update**

James Tracey of TRC Environmental researched the biotics and found they are not detrimental to cranberries. Commissioners discussed selecting a test site location and speaking with bog owners before introducing biotics to Island Creek Pond.

**North Hill Update**

Nancy Rufo updated the Commission that the Conservation Department is stepping back to reevaluate the North Hill property before presenting to additional boards and committees. This update will be communicated to Open Space, Agricultural, and Community Preservation Committees as this had already been added to meeting agendas. Bob Hayes was in attendance and voiced support of setting aside land for cemetery use. Commission members suggested that cemetery trustees create a plan of use for the land and make expectations clear in Envision Duxbury. It was noted that a portion of North Hill land has kettle holes and is not suitable for cemetery use.

**Harlow Brook Development**

Reminder to Commissioners to submit questions regarding the 766 & 782 Temple Street (Harlow Brook) development prior to the continued hearing on November 14, 2023.

**LSCSF regulations**

Commissioners reviewed comparison of Duxbury regulations with adjacent coastal towns and discussed assigning Robb D'Ambruoso to revise the LSCSF regulations to provide clear guidance.

**Budget update**

Nancy Rufo informed the Commission that she and Mickey McGonagle met with the Finance Director, Mary MacKinnon, and the budget meeting went well.

**ADJOURN**

Sam Butcher made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 8:35 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Tom Gill, yes; and Scott Zoltowski, yes.

Motion carried 5-0.

**The next meeting is scheduled for November 14, 2023**