

Approved December 21, 2021



Town of Duxbury Conservation Commission

Minutes of December 7, 2021

TOWN CLERK
2021 DEC 28 PM 1:52
DUXBURY, MASS.

The Duxbury Conservation Commission met on Tuesday, December 7, 2021 at 7:00 p.m. via remote Zoom videoconferencing.

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

Members Absent: Robb D'Ambruso, Chair; Scott Zoltowski, Vice-Chair

Staff Present: Joe Grady, Conservation Administrator; Nancy Rufo, Administrative Assistant

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

Ms. Wisneski 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.

Roll call vote of members present: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.

Public Hearing; Lynch/Duxbury Construction; 355 King Caesar Road; seawall and groin repair, beach nourishment

SE18-1985

Corey Wisneski read the SE18-1985 Legal Notice. Freeman Boynton of Duxbury Construction LLC presented the project for the owners. The property has an existing seawall that Duxbury Construction worked on several years ago. The proposed project entails repairing groins, a small portion of wall, and slope the beach off from the end of the groins up to the wall. The beach nourishment will include approximately 250 cubic yards of materials. Commissioner discussion followed. There was a question raised about site access. Mr. Boynton indicated Duxbury Construction will obtain neighboring landowner letters approving access. Joe Grady noted Marine Fisheries provided comments which were fairly standard. In Mr. Grady's view, this project essentially completes maintenance activities. No members of the public commented.

Holly Morris made a motion, seconded by Sam Butcher, to close the Public Hearing and write Order of Conditions for SE18-1985. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

**Public Hearing; Walsh/Duxbury Construction; 57 Josselyn Ave; rebuild seawall
SE18-1984**

Corey Wisneski read the SE18-1984 Legal Notice. Freeman Boynton of Duxbury Construction LLC presented the project for owners Stacy and Michael Walsh. The existing seawall lacks the fabric included in current seawalls. The plan is to remove the existing rocks, put them aside, lay fabric, and return the rocks. The seawall will be in same place and look the same when completed. If additional rocks are needed, they will be of the same type and size. Mr. Boynton noted owner Stacy Walsh is in talks with Peter Buttkus (Duxbury DPW Director) to utilize parking at Shipyard Beach for the project. Mr. Boynton also expressed an interest in saving trees on the Walsh property, particularly the English oak. Joe Grady commented that, in his view, this is largely a maintenance project. Commissioner discussion followed. A question was raised as to the stability of the Walsh's wall if the town side bordering Shipyard Beach is not repaired. Mr. Grady noted he has been trying to convince the town to include an annual article at Town Meeting for coastline maintenance such as this. Corey Wisneski noted a piece at the north tip of the wall appears to be part of the town-owned right of way. Ms. Walsh indicated she will contact Mr. Buttkus to see if this small portion of the wall can be included with their project. Sam Butcher advised Ms. Walsh to obtain documentation from the town acknowledging that part of project will happen on town property and that they approve it. No members of the public commented.

Sam Butcher made a motion, seconded by Tom Gill, to close the Public Hearing and write Order of Conditions for SE18-1984 with the caveat that the applicant will seek approval of the abutter for work on the northern tip of the wall (whether it be the Town of Duxbury or another owner). Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

**Public Hearing; Larryland, LLC/Webby Engineering; 755 Franklin Street; single family home
SE18-1986**

Corey Wisneski read the SE18-1986 Legal Notice. Steve Kotowski of Webby Engineering presented the project for owner Paul Leary. This project will construct a single-family home with access off Franklin Street (the property also has frontage on Congress). An ANRAD was approved in June 2021, and wetland delineation was completed by Brad Holmes. Approximately two-thirds of the house is within the 100-foot buffer. The proposed septic is a standard 1500-gallon tank with leaching field outside of the 100-foot buffer. Within the 100-foot buffer will be the driveway, grading, portion of dwelling, and site improvements. Joe Grady noted the coverage calculations included on the site plan may not be correct. It seems to him uplands have been incorrectly included. Mr. Kotowski acknowledge there may be an issue and will have to check the calculations. Mr. Grady indicated these numbers will have to be corrected prior to closing the hearing and issuing orders. Further, he would also like the driveway tipped in a way so that it does not drain onto Franklin Street. Commissioner discussion followed. Corey Wisneski questioned whether the driveway would be paved. Mr. Kotowski thought yes, but this may need to be revisited based on coverage calculations. It is possible they may need to consider impervious gravel or something similar. Sam Butcher advised to be sure that all improvements are included prior to submitting the final site plan. In addition, accurate coverage calculations must reflect these improvements to avoid issues in the

future. Mr. Grady noted that Conservation had received a neighbor comment regarding the amount of fill being used, and the site elevation. Mr. Kotowski said everything will be pitching away from the neighbors so they will not need to worry about drainage issues from the property. Mr. Kotowski also indicated they are considering a swale and/or berm to give neighbors an additional assurance that drainage will not be an issue. Public Comment followed. Fred and Lois Boericke of 528 Congress Street noted they are the abutters who contacted Conservation about drainage concerns.

Tom Gill made a motion, seconded by Sam Butcher, to continue the Public Hearing for SE18-1986 until 12/21/21 at 7:25pm pending the recalculation of coverage estimates. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

ADMINISTRATIVE MATTERS

Minutes for Approval:

Regular Session: November 16, 2021. Tom Gill made a motion, seconded by Holly Morris, to approved the November 16, 2021 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

Regular Session: December 1, 2021. Sam Butcher made a motion, seconded by Holly Morris, to approved the December 1, 2021 Regular Session minutes. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

Certificates of Compliance

SE18-1913; Stevens/Duxbury Construction; 95 West Street (now 7 Merry Ave); driveway and landscaping

Joe Grady reported the project complies with the Order of Conditions, he has inspected the property and he has an As-Built Plan. He recommended the Commission issue a Certificate of Compliance.

Tom Gill made a motion, seconded by Sam Butcher, to issue a Certificate of Compliance for SE18-1913. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

Conservation Fund expenditure

Joe Grady provided an update on the Delorenzo Farm. Since Special Town Meeting, Mr. Grady has been talking with land clearing companies and obtaining quotes to complete the work. Unfortunately, the cost has increased from the pre-COVID estimate received two years

ago (\$56k to clear and stump 7.5 acres). The new quote received from the same company is now \$77k. Mr. Grady is continuing to investigate other companies and is in the process of obtaining additional quotes to perform the work. The question Mr. Grady would like the Commissioners to consider is if they would fund the additional cost, or would they prefer he stick to \$56k and accomplish what he can in terms of acreage cleared. Unfortunately, the wood has no value and can only be chipped. There is currently no market for chips (clearing would result in 20-25 tractor trailer loads). An option would be to leave the chips on site; however, it would take several years for this to turn into usable mulch. Mr. Grady is not asking for a decision tonight as he is continuing to pursue other land clearing companies. His suggestion is that we revisit the issue at the next meeting on December 21st when he will hopefully have more information. Commissioner discussion followed and pros and cons of different clearing scenarios were discussed.

Revisit Release of Executive Session Minutes

Joe Grady noted that, based on advice from Town Counsel (KP Law), the Conservation Commission has been asked to revisit their 12/1/2021 vote to release certain Executive Session minutes.

Sam Butcher made a motion, seconded by Mickey McGonagle, that the Conservation Commission reconsider its vote, made on December 1, 2021, to release the Executive Session meeting minutes for the following dates: June 18, 2019, August 13, 2019, September 10, 2019, October 8, 2019, October 29, 2019, December 3, 2019, March 10, 2020, and August 25, 2020. Motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, nay; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 1 – 0.

Sam Butcher made a further motion, seconded by Mickey McGonagle, that the Conservation Commission release the Executive Session minutes for its meetings on August 13, 2019, September 10, 2019, and March 10, 2020 as redacted by Town Counsel. Motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, nay; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes. Motion carried 4 – 1 – 0.

Discussion related to residential docks and piers

Joe Grady began the discussion by referencing the document *A Review of Habitat Impacts from Residential Docks and Recommended Best Management Practices with an Emphasis on the Northeastern United States*. This was provided to the Commissioners in advance of tonight's meeting. Commissioner discussion followed as to how this document could be used to improve Duxbury's by-laws. This included possibly directing applicants to the document as guidance, or including it as an appendix to our regulations. It was noted there may be a benefit to having someone go through the information and synthesize it to see if there is anything to include in our regulations. There was some concern that including it in its entirety could be limiting, and may preclude creativity of those wanting to build a better dock. Mr. Grady noted many of the findings are already incorporated into Duxbury's regulations. Some

communities have no regulations at all, and this may be focused more towards those towns. Holly Morris wondered if other towns (e.g., Falmouth or Chatham) may have already incorporated this into their regulations. Mr. Grady would like the Commissioners to take a closer look at the document to determine if there are recommendations that would be beneficial to Duxbury. The conversation will continue at the January 4, 2022 Conservation Commission meeting.

Discussion related to formulating guidelines for presenting projects to the Conservation Commission

Mickey McGonagle made the suggestion that this discussion be postponed to the next agenda (12/21/2021) until Commissioner Scott Zoltowski is present as he originally raised the issue as "New Business" at the 11/16/21 Conservation Commission meeting. Corey Wisneski though it also may be helpful to have input from Town Counsel as well to determine the Commissions ability to limit presentation during hearings. This discussion item will be added to the 12/21/21 agenda.

NEW BUSINESS

No new business was discussed

ADJOURNMENT: Holly Morris made a motion, seconded by Tom Gill, to adjourn the meeting at 8:38 p.m. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; and Corey Wisneski, yes.
Motion carried 5 – 0.

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, December 21, 2021 at 7:00 p.m.