



# Town of Duxbury Conservation Commission

**Minutes of April 25, 2023**

*Approved May 9, 2023*

TOWN CLERK

2023 MAY 10 AM 8:54

DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Wednesday, April 25, 2023 at 7:00 p.m.

**Members Present:** Robb D'Ambruoso, Chair; Tom Gill, Corey Wisneski; Mickey McGonagle; and Holly Morris

**Members Absent:** Scott Zoltowski, Vice Chair; Sam Butcher

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:00 p.m. He introduced seated Commission members and staff.

## **CONTINUED Public Hearing; McKenzie Engineering; Notice of Intent; Land off Keene Street, Parkside development, Notice of Intent, drainage for subdivision SE18-2028**

The continued hearing for SE18-2028 must be continued to the next available date and time, due to a lack of quorum.

Tom Gill made a motion, seconded by Mickey McGonagle, to continue the public hearing for SE18-2028 to May 9, 2023 at 7:02 p.m. Motion passed unanimously 5 to 0.

## **Public Hearing; Fine/Duxbury Construction; Notice of Intent; 7 Merry Ave, pool, patio, retaining walls, steps SE18-2028**

Robb D'Ambruoso read the public hearing notice for SE18-2028. Freeman Boynton, Duxbury Construction, presented on behalf of property owner. The proposed project includes a stone patio, and pool, and elevating existing stone wall by 7". Most of the project is within the impervious coverage area which is only increasing from 1% to 2%. Mr. Boynton stated that the wetland delineation was performed by Brad Holmes, Environmental Consulting & Restoration. A potential vernal pool is ~94' from project, is not 28" below the foundation where patio and pool are proposed, and outside of the area delineated as Priority Habitat by NHESP.

Nancy Rufo stated that she conducted a site visit and the project meets all rules and regulations.

Corey Wisneski made a motion, seconded by Tom Gill, to issue Orders of Conditions and close the hearing on SE18-2028. Motion passed unanimously 5 to 0.

## **ADMINISTRATIVE MATTERS**

### **Request for Modification: 1335 Tremont Street**

Property owner Jackson Kent (SR Periwinkle Realty Corp) requested to modify the conditions set forth in the Determination issued by the Conservation Commission at its meeting on March 14, 2023. Conditions stipulated that no equipment or machinery was allowed within the riverfront resource area, and that invasive species must be removed by hand. Mr. Kent proposed stated that the removal of plant roots by hand would harm the riverbank, while the use of equipment to cut vegetation back would speed up the process, and not compromise the riverbank. Commission members agreed that the proposed

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

equipment would not be harmful and acknowledged that invasive bittersweet vine has already pulled down small trees.

Tom Gill made a motion, seconded by Corey Wisneski, to modify the conditions set forth in the determination for 1335 Tremont Street. Motion passed unanimously 5 to 0.

**Request for Certificate of Compliance:**

**SE18-1986; 755 Franklin Street**

Nancy Rufo informed Commission members that a revised site plan was received, and an Administrative Modification was issued for 755 Franklin Street. The revised site plan indicates that coverage increased slightly from 14.97% to 15%. The 0.03% coverage was taken by air conditioner pads not shown on previous plans. Since coverage is not over 15%, it meets the rules and regulations. However, the site requires stabilization. Ms. Rufo recommended issuing a Partial Certificate of Compliance, as the house was recently sold and the Partial Certificate provides assurance to the buyer. Ms. Rufo explained that the new homeowner can apply for a full Certificate of Compliance once the landscaping is stabilized enough to support two mowings.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to issue a Partial Certificate of Compliance for SE18-1986. Motion passed unanimously 5 to 0.

**Minutes for approval:**

**Regular Session Meeting Minutes April 11, 2023**

Corey Wisneski made a motion, seconded by Tom Gill, to approve the meeting minutes of April 11, 2023. Motion passed unanimously 5 to 0.

**Commission Membership Status: Expiring Terms**

Nancy Rufo informed Commission members that the 3-year terms for Sam Butcher and Tom Gill will be expiring soon. Sam Butcher and Tom Gill will be renewing their seats and will need to be sworn in.

**Approval of Conservation Expenditure:** Nancy Rufo informed the Commission that a discussion and vote on this conservation expenditure was no longer necessary, as the land is under the jurisdiction of DPW – not Conservation.

**NEW BUSINESS**

**Conservation Trails and Property**

Mickey McGonagle proposed dedicating a trail located on the Pink property around the Wright Reservoir as the "Joe Grady Nature Trail". A trail will need to be cut and a sign indicating the name of the trail will need to be posted.

Mickey McGonagle made a motion, seconded by Corey Wisneski, to name a trail as previously described as the 'Joe Grady Nature Trail'. Motion passed unanimously 5 to 0.

Mickey McGonagle asked Commission members if they would like to pursue the property encompassing roughly 150 – 175 acres at North Hill. Currently, the Selectboard owns the land, but Conservation can request that the Selectboard transfer the property to Conservation. Commission members discussed the property and agreed to postpone a

decision until more information is obtained and/or after a site visit is conducted. Holly Morris noted that the Williams parking lot needs CPC signage.

Nancy Rufo reported that although signs with Trail Rules were recently installed on Conservation land, reports of dirt bike activity has continued. One of the newly posted signs was pulled up and thrown into adjacent woods. Young men on dirt bikes have been stopped and spoken to by neighbors and members of the Conservation Commission multiple times. Commission members noted dirt bike activity has been destructive to Conservation land and disruptive to adults, children, and pets walking on these trails. Mickey McGonagle suggested providing police dispatch with hunting and trail maps to refer to when they receive questions regarding Conservation land. Commission members agreed they have done everything within their power to enforce regulations, and the next course of action is to involve police. Nancy Rufo stated that she will invite the Police Chief to a Conservation meeting.

### **Regulation Clarifications**

Nancy Rufo proposed clarifying the language in section 23.9 of the Town of Duxbury Wetlands Protection bylaw regarding structures within 35 and 50 feet of a resource area. As it reads, the bylaw is ambiguous. Ms. Rufo and Commission members reviewed a series of bylaw revisions, and noted that the key phrase "no closer than" was erroneously omitted in the most recent version. Robb D'Ambruso stated that he will review the current regulation and propose straightforward language. Corey Wisneski suggested that in addition to clarifying the language, categorizing the regulations of section 23.9 within a table would be helpful. Holly Morris referred to the 35-foot limit referred to in regulation 23.9 d. and 23.9 e. which seems out of place. Ms. Morris stated that other municipalities are increasing their buffer zones in response to climate change. Commission members discussed the 35-foot limit mentioned in section 23.9 and agreed that a change would require additional review and discussion.

### **Tree Policy**

Mickey McGonagle stated that the tree policy has been circulated, reviewed, and shelved. Mr. McGonagle noted that the most recent version is excellent, but a tree policy adopted by the Town of Lincoln may be more comprehensive. Commission members suggested reaching out to Town of Lincoln to determine whether their tree policy has been well-received, or difficult to enforce. Nancy Rufo stated that she will reach out to the Town of Lincoln with these questions, and will update the Commission. Robb D'Ambruso requested that copies of both tree policies be re-distributed prior to the next Conservation meeting.

### **Float Regulations**

Nancy Rufo presented a question regarding the allowable dimensions of a float. Regulations currently state that a float can be no more than 10' x 20' (totaling 200 square feet). An applicant previously proposed a float measuring 8' x 25' because it was within 200 square feet, and the Commission voted that the float needed to conform to the 10' x 20' dimensions. Commission members discussed the regulation and agreed that allowing floats to be any size and shape but totaling 200 square feet would be problematic and the current regulation should remain as written.

**ADJOURNMENT:** Mickey McGonagle made a motion, seconded by Corey Wisneski, to adjourn the meeting at 8:13 p.m. Motion passed unanimously 5 – 0.

**The next Conservation Commission meeting is scheduled for Tuesday, May 9, 2023 at 7:00 p.m.**