

November 22, 2023

Duxbury Conservation Commission
Duxbury Town Hall
878 Tremont Street
Duxbury, MA 02332

Re: Response to Third-Party Review Comments
Notice of Intent
The Winsor at Millbrook Village
50 Railroad Avenue, Duxbury, MA
DEP File No. SE18-2059

Dear Commission Members:

On behalf of The Winsor at Millbrook Village, LLC (proponent), South River Environmental (SRE) is submitting this letter in response to a Memorandum from Wetland Strategies, Inc. (WSI) dated November 20, 2023 regarding the above-referenced Notice of Intent filed under the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 § 40). The project has been submitted to the Duxbury Zoning Board of Appeals as a Comprehensive Permit under M.G.L. Chapter 40B, therefore, the review associated with the Town of Duxbury Wetlands Protection Ordinance is being conducted by the Zoning Board of Appeals.

Within the Memorandum, WSI opines that the stream located within and adjacent to the subject property should be regulated by the Duxbury Conservation Commission (Commission) due to the presence of defined banks, presence of standing water and the depiction of the stream as perennial on the USGS topographic quadrangle map. The purpose of this response is to provide the Commission with documentation under the Wetlands Protection Act Regulations that the stream in question should be classified as intermittent and does not have an associated 200-foot Riverfront Area. In addition to this documentation, this response will also serve to demonstrate that the Commission has not regulated this stream as perennial on other projects located directly adjacent to the subject property.

Wetlands Protection Act Definition of Perennial Stream

A river is defined under the MA Wetlands Protection Act Regulations (Regulations) as any natural flowing body of water that empties to any ocean, lake, pond or other river and which flows throughout the year (310 CMR 10.58(2)(a)(1)). Additionally, a river or stream shown as perennial on the current USGS map is assumed to be perennial. The stream in question within and adjacent to the property is identified as perennial on the USGS map as previously stated and is, therefore, assumed to be perennial. Therefore, the burden of proof lies with the proponent to provide documentation in accordance with the Regulations to rebut the presumption that the stream is perennial.

Section 10.58(2)(a)(1d)) states that *'Notwithstanding 310 CMR 10.58(2)(a)1.a. through c., the issuing authority shall find that any stream is intermittent based upon a documented field observation that the stream is not flowing. A documented field observation shall be made by a competent source and shall be based upon an observation made at least once per day, over four days in any consecutive 12-month period, during a non-drought period on a stream not significantly affected by drawdown from withdrawals of water supply wells, direct withdrawals, impoundments, or other human-made flow reductions or diversions. Field*

observations made after December 20, 2002 shall be documented by field notes and by dated photographs or video. Field observations made prior to December 20, 2002 shall be documented by credible evidence. All field observations shall be submitted to the issuing authority with a statement signed under the penalties of perjury attesting to the authenticity and veracity of the field notes, photographs or video and other credible evidence. Department staff, conservation commissioners, and conservation commission staff are competent sources; issuing authorities may consider evidence from other sources that are determined to be competent.

Commencing on November 16, 2023, the proponent, under the direction and oversight of SRE, took photographs and video of the stream to document the lack of flow within the channel. Photographs and video were taken on six consecutive days. No flow was observed within the channel during any of these dates. Review of the MA Department of Environmental Protection Drought Status mapping (<https://www.mass.gov/info-details/drought-status>) determined that the Town of Duxbury is within a Level 0 (Normal) drought status and that drought conditions were not in effect during the time period within which the stream observations were made (See Attachment A). Copies of the photographs taken during the field observations are provided within Attachment B, and copies of the videos taken during the field observations can be provided to the Commission upon request.

Based on the four consecutive days documenting the lack of flow within the stream, the performance standard defined under 310 CMR Section 10.58(2)(a)(1d) has been met by the proponent, and, per the regulation, the issuing authority (the Commission) shall find the stream to be intermittent.

Historic and Current Regulation of Stream

Over the past five years, the Commission has reviewed multiple projects and filings along the stream in question and directly adjacent to the subject property. These projects and filings are located both upgradient and downgradient of the subject property. Specifically, the Commission has reviewed the following and, in each case, determined that the stream in question was intermittent:

- Abbreviated Notice of Resource Area Delineation – SE18-1786 – 136-139 Alden Street
- Notice of Intent - SE18-1855 – Paddock Subdivision
- Notice of Intent – SE18-1879 – 114 Alden Street

The Commission issued an Order of Resource Area Delineation for SE18-1786 confirming that the stream was intermittent directly adjacent to the subject property based on information provided by Environmental Consulting and Restoration, LLC (See Attachment C) that documented a lack of flow within the stream over four consecutive days. While that ORAD expired on April 22, 2022, the hydrology of the stream has not been modified since that time such that the flow regime would change from intermittent to perennial. Additionally, the Notice of Intent and subsequent Order of Conditions issued for SE18-1879 at 114 Alden Street similarly did not regulate the stream as perennial. Although a Certificate of Compliance was issued for the completion of work associated with this project, the Order of Conditions would have remained valid until February 10, 2024. Minutes from the public hearing held on October 29, 2019 for the project are included as Attachment D and provide information that Mr. Joe Grady, then Conservation Agent, had previously determined the stream to be intermittent and not perennial.

This prior record of decisions clearly demonstrates that the Commission has not regulated the stream as perennial over the past five years. There has been evidence submitted to the Commission by a competent source that corroborates the information provided in Attachment B that the stream does not flow continuously throughout the year under non-drought conditions. Additionally, the Commission has issued an ORAD confirming the intermittent flow status of the stream directly opposite the subject property.

Conclusion

Based on the photographs documenting the lack of flow within the stream over a consecutive four-day period between November 16, 2023 and November 21, 2023, the stream within and adjacent to the subject property is intermittent in accordance with 310 CMR Section 10.58(2)(a)(1d). The Proponent respectfully requests that the Commission affirm this determination and confirm that the performance standards pursuant to the riverfront area regulations (310 CMR 10.58) are not applicable to the project being considered under the Notice of Intent.

On behalf of the Proponent, SRE appreciates the opportunity to provide this additional information in support of the project. Should you have any questions or require additional information, please do not hesitate to contact me at 978-697-0854 or via email at southernriverenvironmental@gmail.com. Thank you for your continued consideration.

Sincerely,
South River Environmental

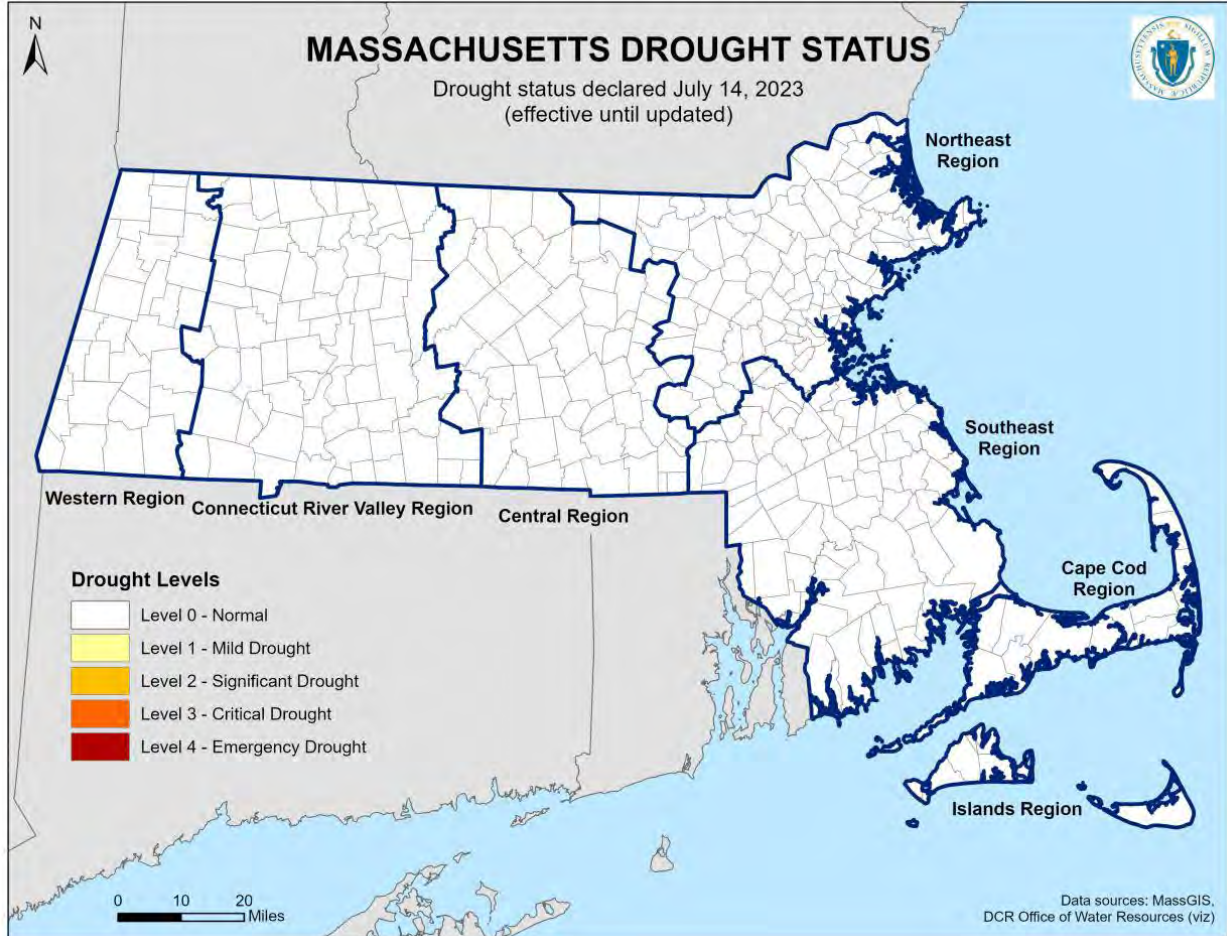
A handwritten signature in black ink that reads "John Zimmer". The signature is written in a cursive, flowing style.

John Zimmer
Wetland Scientist / Wildlife Biologist

Cc: The Winsor at Millbrook Village, LLC
Crowell Engineering
Wetland Strategies, Inc.

ATTACHMENT A – MASSACHUSETTS DROUGHT STATUS MAP

Drought status removed from all regions across Massachusetts on July 14, 2023



**ATTACHMENT B
PHOTOGRAPHS DOCUMENTING LACK OF FLOW WITHIN STREAM**





NOVEMBER 16, 2023



Add a Caption

Friday • Nov 17, 2023 • [Adjust](#)
9:47 AM

 IMG_4953

Apple iPhone SE (3r... HEVC 

No lens information



NOVEMBER 17, 2023



Add a Caption

Saturday • Nov 18,
2023 • 8:00 AM

[Adjust](#)

 IMG_4977

Apple iPhone SE (3r...

HEVC



No lens information



Edit




NOVEMBER 18, 2023



Add a Caption

Sunday • Nov 19, 2023 [Adjust](#)
• 7:55 AM

 IMG_4981

Apple iPhone SE (3r... HEVC 

No lens information



NOVEMBER 19, 2023



NOVEMBER 20, 2023



NOVEMBER 21, 2023

**ATTACHMENT C
ECR STREAM REVIEW REPORT – 12-15-17**

ECR

Environmental Consulting & Restoration, LLC



December 15, 2017

Town of Duxbury
Conservation Commission
878 Tremont Street
Duxbury, MA 02332
Attn: Joe Grady, Conservation Administrator

RE: Letter to Support the Abbreviated Notice of Resource Area Delineation (ANRAD), 136 & 138 Alden Street, Duxbury, DEP File #SE18-1786

Dear Mr. Grady & Members of the Conservation Commission:

Pursuant to Nover Armstrong Associates, Inc.'s December 11, 2017 peer review letter on ANRAD application to confirm the classification and location of wetland resource areas at 126 & 138 Alden Street, ECR is submitting this letter signed under the penalties of perjury to attest to the authenticity the photographs and observations of dry stream bed and/or no flow conditions within the intermittent stream on and near the property at 136 and 138 Alden Street in Duxbury (the Site). I performed field observations and collected photographs of the intermittent stream in a dry and/or no flow status in September 2017 during a non-drought status. My observations and photographs collected during the September 2017 review are contained in the August 30, 2017 wetland delineation report with accompanying photographs.

In addition to this letter are the following:

1. Wetland Delineation Memo with Photographs
2. Sketch showing the approximate location of each photograph at the site

The data presented to confirm the intermittent stream status follows the criteria for stream classification as defined in the Riverfront Area Regulations found at 310 CMR 10.58(2)(a)(1)(d). It is also our understanding that intermittent stream status for this stream has been previously been determined for other projects located to the east of the site. If you have any questions or require additional information, please contact me at (617) 529-3792.

Sincerely yours,
Environmental Consulting & Restoration, LLC

A handwritten signature in blue ink that reads "Brad Holmes".

Brad Holmes, PWS, MCA
Manager



CC: South Shore Survey Consultants, Inc.
Sealund Corp., 794 Washington Street, Pembroke, MA 02359

ECR

Environmental Consulting & Restoration, LLC

August 30, 2017



Wetland Delineation Report – #136 Alden Street, Duxbury, Massachusetts

Wetland Report Narrative

On August 9, 2017 Environmental Consulting & Restoration, LLC (ECR) delineated the landward limits of Bordering Vegetated Wetlands and the Inland Bank of a stream located on and near the property at #136 Alden Street in Duxbury (the Site). The site consists of a single family home with a paved driveway, large barn and outbuildings, horse corrals, lawn, landscaped areas, etc. The weather on August 9th was sunny, clear and warm (approximately 70 degrees) with light wind and dry site conditions. As a result of ECR's field work and review of available environmental databases, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Bordering Vegetated Wetlands (BVW)
- Isolated Vegetated Wetland (IVW)
- 100 foot buffer zone to BVW & IVW

Notes:

1. The site is not located within an area mapped as Priority Habitat & Estimated Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain or is near a Certified Vernal Pool according to the MaNHESP. Please note that ECR delineated the Mean Annual High Water line of a mapped Potential Vernal Pool to the northwest of the site.
3. The site is not located within an area mapped as Land Subject to Flooding according to the FEMA Maps.
4. The site does abut a U.S.G.S. mapped perennial stream.
5. The site is not located within an Area of Critical Environmental Concern (ACEC).

Wetland Delineation

A BVW system is located along and near the eastern portion of the site. This BVW connects to a U.S.G.S. mapped perennial stream located on and near the eastern portion of the site. An IVW system is located on and near the northwestern corner of the site. These vegetated wetlands were delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The vegetated wetlands contain hydric soils, saturated soils, and dominant wetland indicator. BVW flags (pink & black striped ribbons) #A1 to #A40 and IVW flags #B1 to #B9 were placed along the landward limits of the vegetated wetlands resource areas on and near the site. One transect with two examination plots (yellow numbered plastic ribbons) was conducted in order to verify the accuracy of this wetland delineation (please refer to the DEP BVW Field Data Sheets attached).

Please note that within the B series IVW exists a ponded area of water that appears to meet the criteria of a vernal pool. MassGIS identifies this area as a Potential Vernal Pool. Therefore, ECR flagged the Mean Annual High Water line of the potential vernal pool within blue flagging numbered PVP1 to PVP6.

Inland Bank Delineation

The USGS topographic map identifies the stream within the A series BVW as a perennial stream (dark blue line). Therefore, ECR delineated the top of the Inland Bank of the stream with blue flagging numbered #IB1 to #IB23. The delineation was conducted by locating the first observable break in slope,

ECR

Environmental Consulting & Restoration, LLC

August 30, 2017



meaning, where the bank of the stream was obvious. Where the stream did not contain an obvious first observable break in slope, the mean annual high water line was delineated by analyzing bankfull conditions. Please note that portions of the stream bed were dry during ECR's site review. It also appears that this stream was created as a channel or ditch as part of the historic cranberry bog operations at the site. It is ECR's opinion that this stream should not be considered a perennial stream since it was dry during the site review and was historically ditched. Although additional dry stream conditions are necessary to support the intermittent stream status, manmade canals are not considered perennials streams in accordance with the Riverfront Regulations (310 CMR 10.58).

Attachments

Attached for your review are the following attachments:

1. USGS Site Locus Map
2. FEMA Map
3. NHESP Estimated & Priority Habitat Map
4. DEP BVW Field Data Sheets

Upon review of this wetland delineation report, please contact me at (617) 529 – 3792 or brad@ecrholmes.com with any questions or requests for additional information.

Sincerely yours,
Environmental Consulting & Restoration, LLC



Brad Holmes, PWS, MCA
Manager



Photograph #1 – View of the dry stream bed on Sept. 1, 2017.



Photograph #2 – Another view of the dry stream bed on Sept. 1, 2017



Photograph #3 – View of the dry stream bed on Sept. 4, 2017.



Photograph #4 – Another view of the dry stream bed on Sept. 4, 2017.



Photograph #5 – View of the stream bed on Sept. 8, 2017. Water is stagnant with no flow.



Photograph #6 – Another view of the stream bed on Sept. 8, 2017. Water is stagnant with no flow.



Photograph #7 – View of the dry stream bed on September 11, 2017



Photograph #8 – Another view of the dry stream bed on September 11, 2017



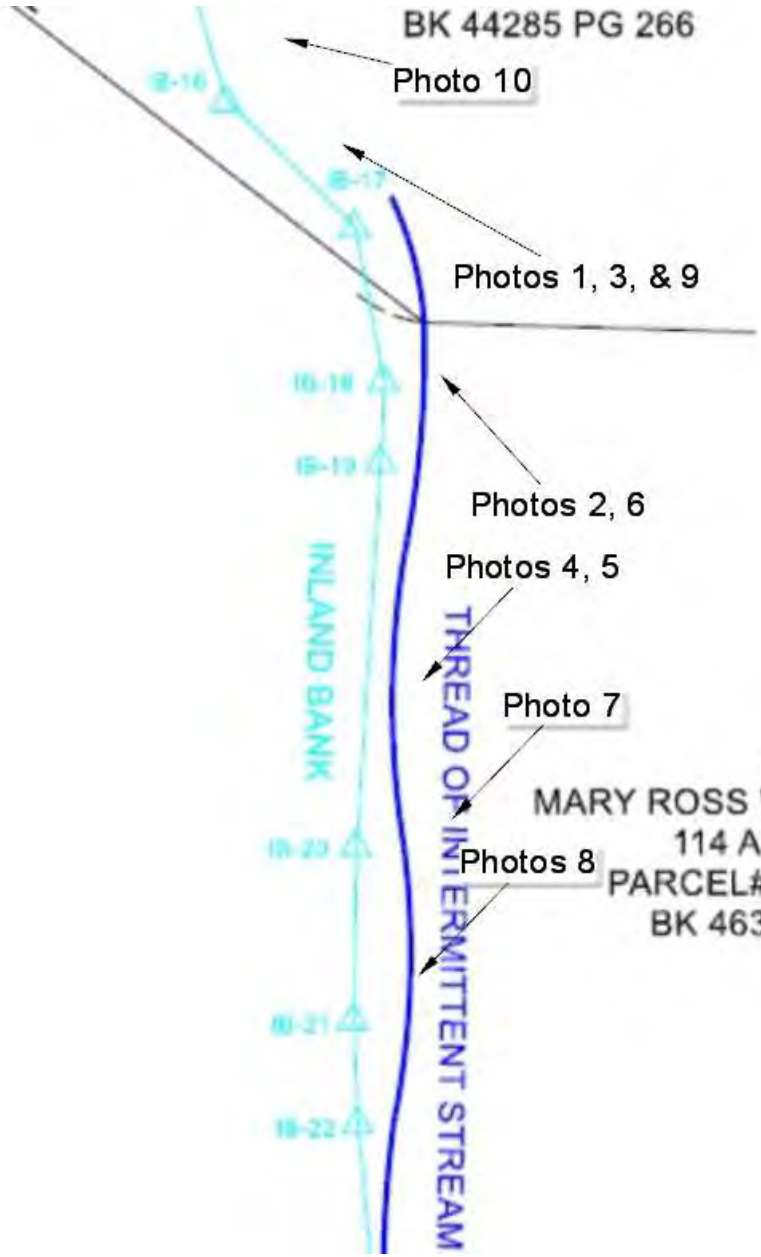
Photograph #9 – View of the dry stream bed on September 12, 2017



Photograph #10 – Another view of the dry stream bed on September 12, 2017

WLA-18
WLA-17
WLA-16
WLA-15
WLA-14-2
LA-14
A-15
LA-12
II
LA10

BVW A AREA
63,602.409 SF
1.460 AC



N/F
MARY ROSS WISBACH TRUST
114 ALDEN ST.
PARCEL# 106-034-000
BK 46306 PG 183

**ATTACHMENT D
MINUTES FROM 10-26-19 CONSERVATION COMMISSION PUBLIC HEARING
FOR 114 ALDEN STREET NOTICE OF INTENT**

Approved November 19, 2019



Town of Duxbury Conservation Commission

TOWN CLERK
2019 NOV 20 PM 2:09
DUXBURY, MASS.

Minutes of October 29, 2019

The Duxbury Conservation Commission met on Tuesday, October 29, 2019 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Robb D'Ambruoso; Sam Butcher; Mickey McGonagle; Holly Morris; Scott Zoltowski

Members Absent: Corey Wisneski; Tom Gill

Staff Present: Joe Grady; Conservation Administrator; Susan Ossoff, Administrative Assistant

The meeting was called to order at 7:03 pm by Vice-chair Robb D'Ambruoso.

CONTINUED PUBLIC HEARING; GREAT CAMANOE LLC; 766 & 782 TEMPLE STREET; ANRAD SE18-1869

Caitlin Nover of BETA group, the Commission's peer reviewer, was present. She said following BETA's first review, the applicant has addressed their comments and submitted revised plans stamped by a professional land surveyor, the missing topographic information was included, and the FEMA flood zone line has been removed because it was not based on a survey. The missing flags were replaced in the field, and on an October 15 site visit the flag locations were confirmed in the field.

Mark Casey, representing the applicant, said this site has a pond with wetlands around it, and 2 perennial streams. There are 3 series of flags that were placed by Brad Holmes, a certified wetlands scientist. Joe Grady said there are Bordering Vegetated Wetlands on 2 sides of the site and 2 Riverfront Areas. There is a FEMA flood zone on the property but this ANRAD process is not designating the flood zone and so the line was removed from the plans.

Mark Casey said the applicant may choose to do a Letter of Map Amendment (LOMA) for this property to ask FEMA to confirm an accurate demarcation of the flood zone; this will be based on topographic and hydrological studies; he expects the 40-44' contour to demark the flood zone as his best guess. The LOMA process can take 30 days to 6 months.

Joe Grady explained that through this ANRAD process the Commission is being asked to confirm where the wetlands are located and what types of wetlands are present on the property. If further work is proposed on the site that is within the Conservation Commission's jurisdiction another filing may come in later and abutters will be notified. If no work within the Commission's jurisdiction is proposed there will be no further presentations to the Commission. As of now there is no project proposed for the site.

Sam Butcher made a motion to accept the wetlands delineation as shown on the September 30, 2019 revision of the plan for SE18-1869, 766 & 782 Temple Street. The motion was seconded by Scott Zoltowski and approved by a vote of 5-0.

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

The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

CONTINUED PUBLIC HEARING; BANNER CONSTRUCTION COMPANY; 761 TEMPLE STREET; ANRAD SE18-1871

At the request of the applicant, this hearing is being continued in February.

Joe Grady explained that the Commission has a proposal from BETA to do a peer review of this filing but it is on hold. The property is under Chapter 61 and the Town has the Right of First Refusal if a Purchase & Sale agreement is to convert the status from agricultural to another use. The first P&S was found to be flawed and as yet the Town has not received another P&S for this property.

Robb D'Ambruoso advised those in attendance for the hearing that there will be no further notice about this continuation; Joe Grady encouraged interested parties to contact the office closer to February 25 to see if a further continuation has been requested or what the status might be.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 5-0 to continue the hearing for SE18-1871, 761 Temple Street, until February 25 at 7:05 pm.

PUBLIC MEETING; DUXBURY CONSTRUCTION LLC; 281 CONGRESS STREET; SEPTIC SYSTEM

Freeman Boynton Jr. presented the project. There is an existing tank and leaching field behind the house. This property has a steep hill so a pump chamber and force main are needed. Sam Butcher asked if there is a shorter route and Mr. Boynton said it is too steep and so not practical to use a shorter route. Pumping to a D box and then allowing gravity is the best approach; the pump chamber will have an alarm should anything fail or start to overflow.

Sam Butcher made a motion to issue a Negative Determination for the project at 281 Congress Street such that no Notice of Intent is required for this project. The motion was seconded by Mickey McGonagle and approved by a vote of 5-0.

PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 114 ALDEN STREET; GARAGE & DRIVEWAY SE18-1879

Freeman Boynton Jr. Presented the project. A garage with a guest house above it is being constructed; the soil was tested to determine groundwater level so the tank won't be inundated with groundwater, because of this the building is being set higher. The tank will have 2 compartments, one will be 1000 gallons and one will be a 500 gallon pump chamber to clear the effluent to the leaching field. As part of this project access will be added to a crawl space under the house. Mr. Boynton said that Joe Grady has previously determined that this is an intermittent stream, not a perennial stream.

Holly Morris said the Commission's Regulations don't allow components of a septic system within the 100 foot buffer for new construction; this is a new building and a new pump chamber so they should not be allowed within the 100' buffer. Mr. Boynton said those regulations are for new construction; Holly Morris said this is new construction. Freeman Boynton said if they have to move the pump chamber, it will be harder to service the pump but it can be done. Joe Grady asked if the tank can be moved; Freeman Boynton said yes it can be moved by they have to

raise the garage 1 foot which requires more filling between the garage and the wetlands. Joe Grady suggesting putting the tank near the existing gravel drive.

The Commission discussed what constitutes new construction. Scott Zoltowski said the regulations apply unless there is no alternative; in this case there is an alternative so the project should not be allowed as proposed. Joe Grady said the Orders of Conditions can require the tank to be located outside of the 100' buffer, and a revised plan showing this must be submitted.

On a motion by Robb D'Ambruoso, seconded by Mickey McGonagle, it was voted 5-0 to issue Orders of Conditions for SE18-1879, 114 Alden Street requiring all components of the septic system to be outside of the 100' buffer zone and requiring a revised plan be submitted showing the location of the tank.

**PUBLIC HEARING; CRAVEN; 42 HUCKLEBERRY LANE; ADDITION & DECK
SE18-1881**

Cameron Larson of Environmental Consulting & Restoration presented the project. There is an existing single family home with a gravel drive, an existing patio and porch. The project is to make an addition with a deck to the rear. The addition will have 2 types of foundations, outside the 50' buffer there will be a frost wall, the portion inside the 50' buffer will be on a pier foundation. Any stockpiling of soil will be outside of the 50 foot buffer. All areas will be restored to existing conditions.

Joe Grady recommending conditioning this project so that before a building permit will be signed off on by Conservation, a stamped foundation plan and a plan correcting the date of the wetlands delineation must be submitted.

On a motion by Robb D'Ambruoso, seconded by Scott Zoltowski, it was voted 5-0 to write Orders of Conditions for SE18-1881, 42 Huckleberry Lane, with conditions requiring a stamped foundation plan and a revised site plan.

**PUBLIC HEARING; DUXBURY CONSTRUCTION; 80 PILGRIM BYWAY; POOL
SE18-1882**

Freeman Boynton Jr. described the project which is to add a pool that at its closest is 82.8' from the bordering vegetated wetlands. The coverage will increase from 2.9% to 4.8%. All pool equipment will be located outside of the 100' buffer zone. Joe Grady said this project meets the Commission's Rules and Regulations.

On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 5-0 to write Orders of Conditions for SE18-1882, 80 Pilgrim Byway.

PUBLIC MEETING; TOWN OF DUXBURY; 0 CONGRESS STREET; DAM REPAIR

Joe Grady explained that an earthen dam failed about 2 weeks ago draining two ponds on Route 14. An Emergency Order can be issued for work but only if health and safety are threatened which is not the case here. The DPW will patch the hole though the location is somewhat difficult to get to. The hole will be plugged with clay-like material. Scott Zoltowski asked if there were any downstream impacts and Joe Grady said that there are about 500 acres of wetlands downstream of these ponds that were able to absorb all the water.

On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0 to issue a Negative Determination such that no Notice of Intent is required for the dam repair at 0 Congress Street.

**PUBLIC HEARING; DUXBURY CONSTRUCTION LLC; 612 CONGRESS STREET; ADDITION & GRADING
SE18-1883**

Freeman Boynton Jr. said Duxbury Fitness wishes to add an addition with a 1-story walk-out. The retaining wall will be removed and replaced. The project is 63.3' to the wetlands at its closest point. Drainage calculations have been provided for the roof runoff because this is a commercial project and it is required under the Wetlands Protection Act; only runoff from the area of new construction will be captured.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0 to issue Orders of Conditions for SE18-1883, 612 Congress Street.

ADMINISTRATIVE MATTERS

Certificates of Compliance:

SE18-1770; 174 Marshall Street: Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1770. On a motion by Scott Zoltowski, seconded by Sam Butcher, it was voted 5-0 to issue Certificates of Compliance for SE18-1770, 174 Marshall Street.

SE18-1822; 174 Marshall Street: Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1822. On a motion by Scott Zoltowski, seconded by Holly Morris, it was voted 5-0 to issue Certificates of Compliance for SE18-1822, 174 Marshall Street.

SE18-976; 90 Humphries Lane: Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-976. On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0 to issue Certificates of Compliance for SE18-976, 90 Humphries Lane.

SE18-1783; 93 Abrams Hill: Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1783. On a motion by Holly Morris, seconded by Sam Butcher, it was voted 5-0 to issue Certificates of Compliance for SE18-1783, 93 Abrams Hill.

SE18-1762; 66 Lake Shore Drive: Joe Grady said he has received all required documentation, he inspected the property and the project conforms to the Orders of Conditions, and he recommends issuing Certificates of Compliance for SE18-1762. On a motion by Sam Butcher, seconded by Mickey McGonagle, it was voted 5-0 to issue Certificates of Compliance for SE18-1762, 66 Lake Shore Drive.

Discussion: Dog Walking Permits

Joe Grady said the Commission was provided an earlier draft for review, and this is a second draft that incorporates many of the suggested changes. Town Counsel reviewed the brochure and it was presented to the Board of Selectmen and adopted by the BOS. The fee for residents is \$10 and the fee for non-residents is \$25.

Mickey McGonagle asked if there are plans to enforce this. Joe Grady said there will be signage and this will become effective January 1; it will be implemented over time. A vote of the Commission is needed to accept this on Conservation Land although Town Counsel has ruled that the BOS can adopt regulations for conservation land.

Sam Butcher made a motion to accept the Dog Walking Rules & Regulations to be implemented on Conservation Land. The motion was seconded by Scott Zoltowski and approved by a vote of 5-0.

Discussion: Conservation Land issues

Joe Grady said there are issues with bikes, campout areas, photography requests, and other uses. Scott Zoltowski expressed concerns with the creation of jumps and obstacles for biking; some of them are dangerous and new trails are being cut into the conservation land. Sam Butcher said the proliferation of trails is adding to the fragmentation of space so there is less area for wildlife. Scott Zoltowski said some of the trails and obstacles create a hazard to people and to wildlife; Sam Butcher added it is an intensity of use issue as well. Scott Zoltowski said perhaps there should be a letter to the Clipper reminding people about responsible use of conservation land; Mickey McGonagle said it should be posted. Mickey McGonagle asked if there is adequate staff to do any enforcement and Joe Grady said no.

Joe Grady said the Boy Scout Campground has traditionally been used by the Scouts and homeschool and other groups but many out of town groups are now requesting to use it. The regulations allow use with permission; some groups don't sign up, or copy keys. In terms of photography the Jaycox Tree Farm was somehow publicly identified as a place for portrait photographers and now many are requesting to use it; the addition of electric fence around the tree farm have made it unusable so this issue resolved itself to some extent.

Mickey McGonagle said there is an overuse of resources; and asked if the purpose of Conservation Land is for public use or for preservation. He suggested a discussion be held with the BOS about this situation. Joe Grady suggested a working group or subcommittee. Scott Zoltowski said there are some policy decisions to be made; for instance should parking areas be increased in size for more use or is that contrary to the need to preserve the land and limit use. Scott Zoltowski suggested the Commission get its ideas together and then meet with the BOS. This will be placed for further discussion on an upcoming meeting Agenda.

Executive Session: Scott Zoltowski made a motion to go into Executive Session to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the

CONSERVATION MINUTES

October 29, 2019

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Approved November 19, 2019

litigating position of this Commission; and to reconvene in open session at the conclusion of the Executive Session in accordance with the Massachusetts General laws Chapter 30A, Section 21. The motion was seconded by Sam Butcher, and the roll call vote was: Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes; Scott Zoltowski, yes.

Adjournment: On a motion by Sam Butcher, seconded by Scott Zoltowski, it was voted 5-0 to adjourn the meeting at 8:47 pm.

MATERIALS REVIEWED AT THE MEETING

NOI Materials for SE18-69; SE18-1879; SE18-1881; SE18-1882; SE18-1883

RDA Materials for 0 Congress Street and 281 Congress Street

Draft Dog Walking Permit brochure