



TOWN CLERK
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DUXBURY, MASS.

Town of Duxbury Conservation Commission

Minutes of March 2, 2021

The Duxbury Conservation Commission met on Tuesday, March 2, 2021 at 7:04 p.m. via remote Zoom meeting.

Members Present: Robb D'Ambruoso, Vice-Chair; Sam Butcher; Tom Gill, Mickey McGonagle; and Holly Morris

Members Absent: Corey Wisneski and Scott Zoltowski

Staff Present: Joe Grady, Conservation Administrator; Pat Loring, volunteer

Meeting was called to order by Vice-Chair, Robb D'Ambruoso at 7:04 p.m.

Robb D'Ambruoso read the following: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, 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 listed on the Agenda. No in-person attendance of members of the public will be permitted. Every effort will be made to ensure the public can adequately access the proceedings to the best of our technical abilities.

Members present on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes.

PUBLIC HEARING ON FEE SCHEDULE MODIFICATIONS:

Robb D'Ambruoso read the Public Hearing Notice. Joe Grady presented the new fee schedule noting that 2013 was the last time Conservation fees were increased. The new fee schedule reflects increased staff time required for processing submissions. The old and new Fee Schedules have been posted on the Town's website with opportunity for comments.

Sam Butcher made a motion, seconded by Holly Morris to accept the new Fee Schedule as presented. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes. Motion carried 4 to 0.

Tom Gill arrived at the meeting.

CONTINUED PUBLIC HEARING; HAMORI/GRADY CONSULTING LLC; 46 WINSOR STREET; WOODEN BULKHEAD REPLACEMENT SE18-1918

Paul Seaberg, Grady Consulting, LLC. presented revisions to the seawall project. Paul Armstrong, South Shore Pile Driving, was also present for the applicant. Revisions to the project include installing temporary sheeting to protect the salt marsh during seawall construction, removing and replacing rip rap, not removing rip rap on the eastern side and elevating the site to solve erosion problems. Patrick Brennan, Amory Engineers, P.C., consultant to the Commission,

noted improvements to the project include the temporary sheeting protecting the beach and salt marsh and a "dirt bag" to collect sediment if pumping becomes necessary. Mr. Brennan also noted removing riprap should allow regeneration of the salt marsh. Joe Grady stated the applicant had addressed all of Mr. Brennan's concerns and project changes have been included in the plan's Construction Notes. Pat Brennan, on behalf of the Commission, will oversee the work.

Sam Butcher made a motion, seconded by Tom Gill to close the Public Hearing for SE18-1918. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Tom Gill, yes; Holly Morris, yes; Robb D'Ambruoso, yes. Motion carried 5 to 0.

Tom Gill made a motion, seconded by Holly Morris to write an Order of Conditions for SE18-1918. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes. Motion carried 5 to 0

**CONTINUED PUBLIC HEARING; ROBERTS/GRADY CONSULTING LLC; 917 KEENE STREET; DECK
SE18-1946**

Paul Seaberg, Grady Consulting, LLC, presented the project for construction of a deck 118 ft. from the Riverfront Area and 61 ft. from a Bordering Vegetated Wetlands. Erosion control measures will be installed during construction. Joe Grady stated the projects falls within the Commission's guidelines and he recommends writing an Order of Conditions for the project.

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write an Order of Conditions for SE18-1946. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes. Motion carried 5 to 0.

**PUBLIC HEARING; REED/DUXBURY CONSTRUCTION LLC; 55 GOOSE POINT LANE;
SEAWALL
SE18-1949**

Robb D'Ambruoso read the SE18-1949 Public Hearing Legal Notice. Freeman Boynton, Duxbury Construction, LLC, presented the project to construct a seawall the length of the 55 Goose Point Lane shoreline. Mr. Boynton showed a photograph of the current eroded conditions and also showed Stan Humphrey's historic review of the shoreline's retreat. Recent test pits show organic soils at the shoreline indicating the beach has completely eroded away. Joe Grady agreed with the historic analysis, having personally observed the beach loss over several decades. Since the beach and dunes are gone, armoring the area with a seawall is now permitted. This project (SE18-1949) and the following project (SE18-1950) at 72 Goose Point Lane are adjacent to each other. The background information and construction recommendations apply to both projects

Sam Butcher made a motion, seconded by Holly Morris, to close the Public Hearing and write an Order of Conditions for SE18-1949, Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes. Motion carried 5 to 0.

**PUBLIC HEARING; LANGFORD; DUXBURY CONSTRUCTION LLC; 72 GOOSE POINT LANE; SEAWALL
SE18-1950**

Robb D'Ambruoso read the SE18-1950 Public Hearing Legal Notice. Freeman Boynton, Duxbury Construction, LLC. continued his presentation to extend the seawall onto the 72 Goose Point

Lane property. This project (SE18-1950) and the previous project (SE18-1949) at 55 Goose Point Lane are adjacent to each other. The background information and construction recommendations apply to both projects.

Tom Gill made a motion to close the Public Hearing and write an Order of Conditions for SE18-1950. Motion passed on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Holly Morris, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes. Motion carried 5 to 0.

PUBLIC MEETING; LOVETT; DUXBURY BAY; KELP FARM

Robb D'Ambruoso read the Request for Determination Public Meeting Notice. Mr. Lovett presented his project to establish a 12-acre sugar kelp farm in Duxbury Bay near the "Cow Yard". The farm will consist of an area 250 ft by 2000 ft with rows of kelp anchoring gear located off the seafloor. Kelp is a winter crop grown, without feeding, from October 1st to May 15th. One harvest will take place in May when all the gear will be removed until October. Mr. Lovett stated the farm will be 75 ft. from any eel grass and will not conflict with any aquaculture leases. He has a research partnership with Woods Hole Oceanographic Institute and Mass Maritime Academy. He expects his first kelp harvest in 2022. Joe Grady stated he has reviewed the proposal and consulted with Town Counsel on the permitting process. He has been assured by Counsel that the only required local permit for kelp farming is under the Massachusetts Wetlands Protection Act. In answer to questions from the Commission, Mr. Lovett stated kelp seed must be sourced locally, the kelp rows will be 15 ft apart to allow for boat access, and the kelp will be used for food products.

Sam Butcher made a motion, seconded by Holly Morris to close the Public Meeting and issue a Negative Determination for the sugar kelp farm. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes. Motion carried 5-0.

ADMINISTRATIVE MATTERS:

Minutes for Approval:

Executive Session: January 26, 2021

Regular Session: January 26, 2021

Regular Session: February 9, 2021. Sam Butcher made a motion, seconded by Tom Gill, to approve the January 26, 2021 and February 9, 2021 Regular Session Minutes and the January 26, 2021 Executive Session Minutes, with the Executive Session minutes not being released at this time. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes. Motion carried 5-0.

Emergency Certificate: Bay Avenue Seawall: The seawall at the Duxbury/Marshfield town line is collapsing. Peter Buttkus, Duxbury DPW Director, has declared a State of Emergency. Patrick Brennen of Amory Engineers concurs. Therefore, Joe Grady issued an Emergency Certificate under the MA Wetlands Protection Act.

Sam Butcher made a motion, seconded by Tom Gill to reaffirm Joe Grady's Bay Avenue Emergency Certificate. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Motion carried 5 to 0.

Proposal for Compliance Oversight of 1 Harden Hill Road Restoration: Joe Grady reported the homeowners have submitted an Existing Conditions Plan to the Conservation Office as part of the Settlement Agreement. The plan will be forwarded to Lenore White, Wetland Strategies,

consultant to the Commission, for her review and oversight as outlined in her February 17, 2021 memo.

Robb D'Ambruoso made a motion, seconded by Mickey McGonagle to accept Lenore White's February 17, 2021 proposal to review and monitor the 1 Harden Hill Road project. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Motion carried 5 to 0.

Request for Modification: SE18-1905: 93 Abrams Hill Road: Joe Grady reported that the Zoning Board of Appeals required three changes to the 93 Abrams Hill pier, requiring modifications to the Order of Conditions. The three changes are: changing the decking from off-white plastic to wood, installing aluminum stairs for pedestrians and adding tops of the helical piles for visibility during the off season.

Holly Morris made a motion, seconded by Sam Butcher to incorporate the changes into the existing Order of Conditions for SE18-1905. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Motion carried 5 to 0.

SE18-1929; 43 South Station Street: Joe Grady reported the homeowners would like to add a deck to the house. He stated the deck meets the Commission Rules and Regulations and can be incorporated into the existing Order of Conditions for SE18-1929.

Tom Gill made a motion, seconded by Sam Butcher, to amend the Order of Conditions for SE18-1929 to include the proposed deck. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Motion carried 5 to 0.

Duplicate Original: SE18-1944; 90 Marshall Street: Joe Grady reported that despite being sent Certified Mail, the Order of Conditions for SE18-1944 has been traced to an out of state location. The homeowners need a duplicate copy to continue their work.

Sam Butcher made a motion, seconded by Holly Morris to issue a duplicate Order of Conditions for SE18-1944. Motion passed unanimously on a roll call vote: Sam Butcher, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes; Robb D'Ambruoso, yes. Motion carried 5-0.

Precedents & Non-Compliance with Original Plans: Joe Grady distributed a draft memo for Precedents and Non-Compliance issues. It was agreed the existing subcommittee would work on the draft and bring it back to the Commission for approval and comment.

T-REX Farm: Joe Grady outlined a proposal he received from a person wishing to grow flowers, herbs and vegetables on town owned land adjacent to the Jaycox Tree Farm. The prospective farmer's proposal is included with the Commissioner's materials for discussion at a future meeting.

Adjournment: Holly Morris made a motion, seconded by Sam Butcher to adjourn the meeting at 8:40 p.m. Motion passed unanimously on a roll call vote: Tom Gill, yes; Holly Morris, yes; Sam Butcher, yes; Mickey McGonagle, yes; Robb D'Ambruoso, yes; Motion carried 5 to 0.

CONSERVATION MINUTES

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Approved March 23, 2021

Next Meeting: The next meeting of the Conservation Commission is scheduled for Tuesday, March 23, 2021.