



# Town of Duxbury Conservation Commission

Minutes of June 13, 2023

Approved July 11, 2023

TOWN CLERK  
2023 JUL 17 PM 5:55  
DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, June 13, 2023 at 7:00 p.m.

**Members Present:** Robb D'Ambruoso, Chair; Scott Zoltowski, Vice Chair; Sam Butcher, Tom Gill, Mickey McGonagle, Holly Morris, Corey Wisneski

**Members Absent:** None

**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.

## **CONTINUED PUBLIC HEARING; TOWN OF DUXBURY/DUXBURY SEAWALL PHASE II, III, & IV, SEAWALL CONSTRUCTION**

**SE18-0000 (DEP File # pending)**

Nancy Rufo informed board members of applicant's request to continue the hearing until after upcoming consultation with MEPA.

Scott Zoltowski made a motion, seconded by Sam Butcher, to continue the hearing on Town of Duxbury Seawall Phase II, III & IV to July 25, 2023 at 7:00 p.m. Motion passed unanimously 7-0.

## **CONTINUED PUBLIC HEARING; SHEA/GRADY CONSULTING, 0 GURNET ROAD, SINGLE FAMILY HOME CONSTRUCTION ON PILE FOUNDATION**

**SE18-2040**

Nancy Rufo stated that the hearing for SE18-2040 must be continued until after board members have received the peer review report from Wetland Strategies.

Scott Zoltowski made a motion, seconded by Sam Butcher, to continue the hearing for SE18-2040 to July 11, 2023 at 7:01 p.m. Motion passed unanimously 7-0.

## **PUBLIC HEARING; DALY/GRADY CONSULTING, 5 HUMMOCK LANE, RAZE AND REBUILD OF SINGLE FAMILY HOME ON PILE FOUNDATION**

**SE18-2043**

Robb D'Ambruoso read the Legal Notice opening the hearing for 5 Hummock Lane. Paul Seaburg of Grady Consulting presented the proposed project on behalf of the applicant. Mr. Seaburg proposes to raze and rebuild a single-family home to bring it above flood elevation, while reducing 125 square feet of coverage. Nancy Rufo asked if/why the 2.8 feet at the top of pile was not included in elevation calculations. Mr. Seaburg introduced the architect, Jessica Williams, to address the question.

Jessica Williams stated the design meets building codes for homes built within an A zone and the 2.8-foot top of pile bylaw is a burden due to a 30-foot height limit. Ms. Williams further stated that pile foundations have been approved in Duxbury without the 2.8-foot top of pile requirement and requested the Commission reconsider bylaw. Nancy Rufo explained that rebuilds on pile foundation were recently approved in the same neighborhood and were required to comply with bylaw.

Board members discussed and agreed to review information presented by Jessica Williams, but a decision could not be made immediately and the hearing would be continued. Ms. Williams agreed

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to provide the Commission a letter detailing her request to reinterpret the bylaw with specific examples of recent projects in Duxbury where the bylaw was not required.

Corey Wisneski made a motion, seconded by Sam Butcher, to continue to the hearing on SE18-2043 to July 11, 2023 at 7:02 p.m. Motion passed unanimously 7-0.

### **Discussion with Interim Police Chief Carbone**

Nancy Rufo opened the discussion with Interim Chief Carbone as an opportunity to partner with the Duxbury Police Department on overlapping priorities. Ms. Rufo and Commission members discussed recent Conservation land misuse and the collaboration between Conservation and Duxbury Police to resolve this issue. Regarding hunting on Conservation property, it was agreed that providing a map of Conservation land would be helpful for police dispatch to determine exactly where a complaint about a violation is occurring. Conservation is in the process of updating the hunting map and will provide the Police Department with a copy when complete.

### **Envision Action Item Discussion: Nitrogen Loading in Surface and Groundwater**

The Conservation Commission is the lead in protecting water quality in Duxbury. Agricultural Committee members, Jeff and Priscilla Chandler, were in attendance to propose a collaboration with Conservation. There was discussion about nitrogen-based fertilizers and pesticides ending up in the bay through runoff which causes problems for oyster farmers. It was suggested that education in conjunction with a bylaw is necessary, as many people don't realize the harm caused by fertilizer and pesticide overuse and though farming is regulated, landscaping companies are not. Towns on Cape Cod have enacted bylaws and ordinances that address the use of pesticides and fertilizers. Commissioners will perform research on bylaws adopted at other towns, while gathering information from oyster farmers who conduct water sampling in the bay.

### **Duxbury EEA Grant**

Nancy Rufo explained that Town Planner Chris Ryan was requesting a motion in support of the grant recently submitted by his office to the Executive Office of Energy & Environmental Affairs (EEA). The grant involves drafting of updates to open space in residential design and inclusionary zoning bylaws. Commission members noted that a draft letter of support would be helpful, and suggested having Mr. Ryan give a brief presentation prior to voicing their support. The discussion was tabled until July 11<sup>th</sup> when Chris Ryan is already scheduled to attend the Conservation Commission meeting to discuss the Envision Duxbury Plan.

### **North Hill Land Transfer**

Commission members discussed possibility of a transfer of lots adjacent to existing Conservation land currently under the care and custody of the Selectboard to the Conservation Commission. Discussion followed on the benefits of such of plan. Holly Morris will follow-up with Commission Selectboard liaison Amy McNabb prior to the next meeting.

### **Foundation Regulation clarifications**

Commission members reviewed and agreed with the bylaw 23.9 clarification drafted by Robb D'Ambruoso.

Sam Butcher made a motion, seconded by Corey Wisneski, to adopt Duxbury Wetlands Regulation 23.9 as drafted. Motion passed unanimously 7-0.

## **ADMINISTRATIVE MATTERS**

### **Minutes for approval**

Regular Session Minutes: May 23, 2023

Holly Morris made a motion, seconded by Sam Butcher, to approve the May 23, 2023 Regular Session minutes as presented. Motion passed unanimously 7-0.

### **Certificate of Compliance**

#### **SE18-2017 Caso/Grady Consulting; 44 River Lane; bulkhead**

Nancy Rufo stated that a site visit confirmed work was completed in compliance with approved plans and recommended issuing a full Certificate of Compliance.

Scott Zoltowski made a motion, seconded by Tom Gill, to issue a full Certificate of Compliance for SE18-2017. Motion passed unanimously 7-0.

### **Certificate of Compliance**

#### **SE18-0963 101 Gurnet Road LLC; 101 Gurnet Road; lapsed Orders of Conditions**

Nancy Rufo stated that a site visit confirmed work never commenced on the Orders of Conditions which are now expired and invalid. Ms. Rufo recommended issuing a full Certificate of Compliance.

Corey Wisneski made a motion, seconded by Sam Butcher, to issue a full Certificate of Compliance for SE18-963. Motion passed unanimously 7-0

### **Conservation Fund Expenditure**

Nancy Rufo updated the Commission on progress at Delorenzo Farm and the urgent need for protective fencing around produce area. Brett Sovick obtained a cost estimate for fencing. Ms. Rufo stated that fencing will be a benefit for Mr. Sovick's current needs as well as future agricultural use.

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the expenditure of not to exceed \$10,000.00 from the Conservation Fund for fencing at the Delorenzo Farm located at 370 Summer Street, Lot# 031-502-047 of the Duxbury Assessors Maps. Motion passed unanimously 7-0.

## **NEW BUSINESS**

None.

## **ADJOURNMENT**

Corey Wisneski made a motion, seconded by Sam Butcher, to adjourn the meeting at 9:01 p.m. Motion passed unanimously 7-0.

**The next meeting is scheduled for June 27, 2023**