



Approved September 12, 2023

# Town of Duxbury Conservation Commission

TOWN CLERK  
SEP 18 PM 12:37  
DUXBURY, MASS.

Minutes of August 8, 2023

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, August 8, 2023 at 7:00 p.m.

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

**Members Absent:** Scott Zoltowski, Vice Chair

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:02 p.m.

## CONTINUED PUBLIC HEARING; SHEA/GRADY CONSULTING, 0 GURNET ROAD, SINGLE FAMILY HOME CONSTRUCTION ON PILE FOUNDATION SE18-2040

Nancy Rufo informed the Commission the applicant requested a continuance to provide additional time to revise plan and meet performance standards. Commission members discussed and agreed to continue, but stated this is final opportunity to continue the hearing on this DEP file number.

Corey Wisneski made a motion, seconded by Holly Morris, to continue to hearing for SE18-2040 to September 26, 2023 at 7:01 p.m. Motion passed unanimously 6 – 0.

## PUBLIC HEARING; ART COMPLEX/SEACOAST ENGINEERING, 189 ALDEN STREET, SUBSURFACE STORMWATER SYSTEM SE18-2047

Paul Brogna of Seacoast Engineering presented the proposed project to remove six trees within ~75' buffer and install a subsurface drainage system within ~50' buffer zone. The current system is dilapidated and not functioning. The new system will be designed for a 25-year storm event. There is no grade change but may need to repair part of retaining wall. Mr. Brogna noted that a perennial stream is over 200' feet away and referenced memo from Brad Holmes of Environmental Consulting and Engineers regarding construction sequencing.

Nancy Rufo informed Commission she agrees with wetland line and tree removal is necessary as they are too close to building.

Sam Butcher made a motion, seconded by Holly Morris, to close the hearing and issue Orders of Conditions for SE18-2047 with the condition that the Limit of Work be extended 50 feet to the east. Motion passed unanimously 6 – 0.

## PUBLIC HEARING; BLIND DUCK LLC/SEACOAST ENGINEERING, 0 BAY ROAD (WIRT WAY), DUCK BLIND REPAIR SE18-2048

Paul Brogna of Seacoast Engineering presented the proposed project to repair existing duck blind in salt marsh FEMA velocity zone 12 within exact dimensions and same footprint on helical piles. Structure maintained over 80 years was moved off pile foundation during December '22 storm. Mr. Brogna met with the Commission in June 2023 with proposal to move structure further away from water and Commission specified could not move, but could raise structure. Mr. Brogna stated equipment will be brought in by barge to reduce impact to marsh and structure will include

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

breakaway stairs that will not be removed seasonally. Rip rap and stones will not be moved. The established osprey nest will continue to be preserved and protected. It was noted plans erroneously indicate existing column as 15' when it is actually 44.1'. Amanda Davis at MA DMF responded with standard conditions and NHESP has 30 days to respond. Mr. Brogna understands permit may be conditioned upon receipt of NHESP response. Commission members discussed and agreed that removal of wooden piles, whether in entirety or cut off at grade, will not be conditioned but left to applicant's discretion as to which method has least environmental impact.

Nancy Rufo informed Commissioners she conducted a site visit and agrees with proposed plan. Ms. Rufo stated she reached out to Harbormaster, Jake Emerson, and has not received comment.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the hearing and issue Orders of Conditions for SE18-2048. Motion passed unanimously 6 – 0.

**CONTINUED PUBLIC HEARING; DALY/GRADY CONSULTING, 5 HUMMOCK LANE, RAZE AND REBUILD OF SINGLE-FAMILY HOME ON PILE FOUNDATION  
SE18-2043**

Architect Jessica Williams addressed the Commission regarding legal counsel's response to her challenge of Duxbury Wetlands Protection bylaw 20.1(d)(4). Ms. Williams requested Commission approve plans as presented with 2.8' incorporated into the design at finished floor, not top of pile. Commissioners had an opportunity to review legal counsel's response and noted their authority to interpret bylaws appropriately and fairly for each project. Commissioners also discussed precedent of 2.8' at top of pile set with similar projects in same neighborhood but agreed bylaw requirements for AE zone are unclear and stricter than velocity zone. Commissioners acknowledged no scientific grounding to enforce 2.8' at top of pile for this project.

Nancy Rufo stated for the record that bylaw 20.1(d)(4) was included in the Town of Duxbury Wetland Protection Bylaws beginning in 2017 and previous Conservation Administrator Joe Grady attempted to apply 2.8' at top of pile consistently after 2018 seawall collapse.

Sam Butcher made a motion, seconded by Tom Gill, to close the hearing on SE18-2043 and issue Orders of Conditions for the project as presented. Motion passed 5 – 1.

**ADMINISTRATIVE MATTERS**

**Minutes for approval: Regular Session June 25, 2023**

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the meeting minutes of June 25, 2023. Motion passed unanimously 6 – 0.

**NEW BUSINESS**

**Conservation Land and Bike Trails**

Nancy Rufo informed Commission that Cherry lane bike trail is in process of being dismantled. Signage will be posted stating the area is under restoration. Ms. Rufo also reported decreased reports of dirt bike activity on Conservation land by Screenhouse Lane and on Pink property, but noted that a Conservation sign and post is missing.

**Nitrogen Loading**

Mickey McGonagle informed Commissioners Nancy Rufo and Debbie Ballem will accompany him on weed harvester to view impacts of excess nitrogen in Island Creek Pond. Mr.

CONSERVATION MINUTES

August 8, 2023

Page 3

*Approved September 12, 2023*

McGonagle noted that excess nitrogen is impacting Bay Farm on a larger scale and stated he would like to discuss aquatic management at a future Conservation meeting when meeting agenda allows.

**ADJOURNMENT**

Sam Butcher made a motion, seconded by Mickey McGonagle, to adjourn the meeting at 8:03 p.m. Motion passed unanimously 6 – 0.

**The next meeting is tentatively scheduled for August 22, 2023, depending on quorum.**