



Approved December 12, 2023

# Town of Duxbury Conservation Commission

2024 JAN 30 AM 10:55  
DUXBURY, MASS.

Minutes of November 28, 2023

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, November 28, 2023 at 7:00 p.m.

**Members Present:** Robb D'Ambruoso, Chair, Scott Zoltowski, Vice Chair; Samuel Butcher; Thomas Gill, III; Daniel McGonagle; Holly Morris, Corey Wisneski

**Members Absent:** None

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

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

## CONTINUED PUBLIC HEARING; NOTICE OF INTENT; WALSH/CROWELL ENGINEERING; 50 RAILROAD AVE, SITE PREPARATION FOR 40B DEVELOPMENT SE18-2059

Nancy Rufo informed the Commission that the applicant requested to continue to hearing.

Samuel Butcher made a motion, seconded by Daniel McGonagle, to continue the hearing for SE18-2059 to January 9, 2024 at 7:05 p.m. Motion passed unanimously 7 – 0.

## PUBLIC HEARING; NOTICE OF INTENT; MINDNICH/DUXBURY CONSTRUCTION; 452 FRANKLIN STREET, SEPTIC, DECK, GRADING, LANDSCAPING SE18-2062

Robb D'Ambruoso read the public hearing notice into the record. Freeman Boynton Jr. of Duxbury Construction presented the proposed project on behalf of applicant. Property failed Title V, propose to eliminate existing septic, cave in abandoned pits, and add new leaching field. Unable to position septic outside of 150'. Existing non-conforming deck expansion further from BVW and site coverage is under 15%.

Nancy Rufo conducted a site visit and agrees with Brad Holmes' delineation. Ms. Rufo stated that seven trees were cut down without prior review and approval by Conservation. Mr. Boynton stated he was unaware of new tree removal policy, and he would obtain Conservation approval prior to removing trees in future.

Samuel Butcher made a motion, seconded by Daniel McGonagle, to close the hearing and issue Orders of Conditions for SE18-2062, with the condition that a revised plan with accurate coverage calculations are submitted to Conservation. Motion passed unanimously 7 – 0.

## PUBLIC HEARING; NOTICE OF INTENT; LARKIN/SEACOAST ENGINEERING; 3 PINE POINT PLACE, GARAGE RECONSTRUCTION SE18-2061

Robb D'Ambruoso read the public hearing notice into the record. Paul Brogna of Seacoast Engineering presented proposed project on behalf of applicant. Garage was damaged by fire in December 2022. An RDA was previously filed, and a negative determination was issued in March 2023 to remove the structure. Propose to reconstruct garage within same footprint. Parcel is located in barrier beach, FEMA Flood Zone AE10, and LSCSF. Garage will be raised up 3 feet on open pile foundation with deck and stairs measuring 10' x 24'. Mr. Brogna noted the stairs will increase coverage, but are necessary due to elevated height.

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

Nancy Rufo informed the Commission she conducted a site visit and agrees with the plans as presented.

Samuel Butcher made a motion, seconded by Daniel McGonagle, to close the hearing and issue orders of Conditions for SE18-2061. Motion carried 6 – 0 (Scott Zoltowski recused).

## **NEW BUSINESS**

### **Parkside Conservation Restriction Acceptance**

Fran DeCoste and John Zimmer were in attendance for the applicant. In order to obtain NHESP approval for the Parkside subdivision, a portion of the land must be held in Conservation Restriction (CR). The land in question will be a replication of endangered eastern box turtle habitat. Mr. Zimmer stated that Wildlands Trust and Trustees of Reservations declined to accept the CR. Commissioners discussed concerns, including responsibilities of management and enforcement of the CR by town staff. John Zimmer will obtain more information from NHESP regarding enforcement. Commissioners agreed to postpone a decision and continue discussion after more information is provided.

### **Whiton Woods Signage**

Nancy Rufo informed the Commission of a resident's request to install a mutt mitt station at Whiton Woods. Commissioners discussed and agreed a mutt mitt station is not possible, but signage is necessary on all Conservation trails to remind users to respect the trails and responsibly remove pet waste. Nancy Rufo will obtain a proposal for signage.

## **Annual Town Meeting Articles**

### **Protection of Historic Green Harbor Trail**

Commissioners discussed the need to preserve and protect the historic Green Harbor Trail. The trail once extended ~12 miles and was used by the Patuxet Wampanoag tribe for centuries. The trail was later used by colonists to travel to Plymouth. Only ½ mile section of the original route is preserved. Commissioners agreed to request a placeholder for an article at the annual town meeting. Nancy Rufo will let the Town Manager know Conservation needs a placeholder, and will also work on obtaining a survey and map of the area.

### **Community Preservation Committee (CPC)**

Nancy Rufo informed the Commission she will need to add placeholders for three articles for CPC, which will include a transfer for the Conservation Fund.

### **Conservation FY25 Budget Update**

Nancy Rufo and Daniel McGonagle met with the Finance Director and the budget has been approved.

### **Meeting Materials Submission Deadlines**

Nancy Rufo confirmed meeting materials submission deadlines for Conservation Commission meetings: 21 days for new filings; 2 weeks for supplemental information; 1 week for supplemental information for CONTINUED hearings only; by noon the day before meetings for abutter feedback only. Commissioners discussed and agreed that any hearings with new information received after the submission deadline(s) will be continued to the next available hearing date and time.

**Garage vents in LSCSF**

Nancy Rufo informed the Commission of a request to install a garage door with flow-through vents at 5 E. Marginal Road, which is located on land subject to coastal storm flowage (LSCSF). Commissioners discussed and agreed that a garage door with vents would still impede the natural flow of water and cause scouring. Commissioners also noted that a garage door has never been approved in LSCSF. The request for a vented garage door was unanimously denied.

**LSCSF regulation update**

Discussion was tabled.

**Update on Island Creek Pond discussion**

Discussion was tabled.

**OPEN FORUM**

No issues were brought forward for Open Forum.

**ADMINISTRATIVE MATTERS**

**Plan Modification Request:**

**SE18-2000** Duxbury Beach Nourishment Project; construction access (MOU), and site restoration

Nancy Rufo informed the Commission that Leslie Fields of Woods Hole Group requested to modify construction access for the beach nourishment project. Proposed new access point is further south to access beach across dunes from northern Duxbury Beach Reservation (DBR) parking lot (~ 250 ft further south than shown on plans). A protocol to restore elevations and revegetate across dune was also developed. Cris Lutazzi at DBR was involved in these decisions.

Samuel Butcher made a motion, seconded by Daniel McGonagle, to approve the plan modification request for SE18-2000. Motion carried 6 – 0 with 1 recusal (Corey Wisneski).

**Minutes for approval:**

Regular Session Meeting Minutes: November 14, 2023

Samuel Butcher made a motion, seconded by Daniel McGonagle, to approve the meeting minutes of November 14, 2023 with minor revisions. Motion passed unanimously 7 – 0.

**Certificates of Compliance:**

SE18-2047 - Art Complex/Seacoast Engineering, subsurface stormwater system

Nancy Rufo informed the Commission she conducted a site visit, work was completed in compliance with Orders of Conditions, and recommends issuing a full Certificate of Compliance.

Samuel Butcher made a motion, seconded by Daniel McGonagle, to issue a full Certificate of Compliance for SE18-2047. Motion passed unanimously 7 -0.

SE18-1729 - Watson/Seacoast Engineering; 282 Powder Point Ave. pool and garage  
Nancy Rufo informed the Commission she conducted a site visit, work was completed in compliance with Orders of Conditions, and recommends issuing a full Certificate of Compliance.

Samuel Butcher made a motion, seconded by Daniel McGonagle, to issue a full Certificate of Compliance for SE18-2047. Motion passed unanimously 7 -0.

**Request for Permit Extension:**

SE18-1795 Murphy/Environmental Consulting & Restoration; 88 Surplus Street; single family home

Nancy Rufo informed the Commission the applicant requested additional time to complete construction. The request would extend the Orders of Conditions three years, with an expiration date of January 17, 2027.

Samuel Butcher made a motion, seconded by Scott Zoltowski, to approve the extension of Orders of Conditions for SE18-1795 through January 17, 2027. Motion passed unanimously 7 – 0.

**Conservation Commission Draft 2024 Meeting Schedule approval**

Commissioners reviewed and approved the proposed 2024 Conservation Commission meeting schedule, with date corrections.

**ADJOURN**

Samuel Butcher made a motion, seconded by Daniel McGonagle, to adjourn the meeting at 8:45 p.m. Motion passed unanimously 7 – 0.

**The next meeting is scheduled for December 12, 2023**