



# Town of Duxbury Conservation Commission

Minutes of December 12, 2023

Approved January 9, 2024

TOWN CLERK

2024 JAN 30 AM 10:55

DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, December 12, 2023 at 7:00 p.m.

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

**Members Absent:** Tom Gill III

**Staff Present:** Nancy Rufo, Conservation Administrator and Pat Loring, Volunteer

Meeting was called to order by Chair, Robb D'Ambruoso at 7:03 p.m.

## **PUBLIC HEARING: NOTICE OF INTENT; MASTROMARINO; 93 GURNET ROAD, RETAINING WALL RAZE AND REPLACEMENT.**

**SE18-2058.**

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Nancy Rufo stated that the applicant had requested a Public Hearing continuation to January 23, 2024 at 7:00p.m.

Sam Butcher made a motion, seconded by Scott Zoltowski, to continue the Public Hearing for SE18-2058 to January 23, 2024 at 7:00 p.m. Motion passed unanimously 6 to 0.

## **CONTINUED PUBLIC HEARING: NOTICE OF INTENT; DUXBURY SEAWALL PHASE II, III, IV. SE18-2052**

Pat Brennan, engineer for the town of Duxbury, working with Cris Luttazi, Duxbury Beach Reservation (DBR) Executive Director, and Woods Hole Group, presented the project which will change one end of the Duxbury Seawall to prevent scouring. Woods Hole Group's design changes the angle and adds stone to the seawall end. The design also adds a cobble berm below the wall's end. Also, an area of the beach at Ocean Road South, where vehicles previously entered the beach will be closed off and the dune extended to prevent future vehicular access to the beach in that location. This will restore Natural Heritage & Endangered Species Program (NHESP) Priority Habitat and help to prevent future erosion in that area. Ms. Luttazi met recently with MA Dept. of Environmental Protection (DEP) and MA Coastal Zone Management (CZM), both of which approved the changes. The Natural Heritage and Endangered Species Program (NHESP) also supports the changes. The remainder of the project is unchanged, only the seawall terminus is changed.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2052, with any additional NHESP conditions included in this Order of Conditions. Motion passed unanimously 5 to 0. (Corey Wisneski is recused from the project)

## **PUBLIC HEARING: NOTICE OF INTENT, 7 SEABURY POINT ROAD, LANDSCAPING AND SITE IMPROVEMENTS.**

**SE18-2064**

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Deb Keller, Merrill Engineering, presented the project for the applicant. Landscape Designer, Maureen Allen, was also in attendance. The project includes installation of a fence along Bay Road, adding a cobble apron to the driveway, removing an area of driveway asphalt and installing crushed stone, and replacing timber steps with granite steps. There will be extensive new plantings along Bay Road and around the lined manmade pond. Impervious site coverage of this project will be reduced from

16.5% to 15%. Two projects on adjacent lots with a shared common area will be done simultaneously.

**PUBLIC HEARING: NOTICE OF INTENT, 455 BAY ROAD, LANDSCAPING AND SITE IMPROVEMENTS.**

**SE18-2063.**

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record, thereby holding the two Public Hearings for SE18-2064 and SE18-2063 simultaneously. Deb Keller, Merrill Engineering continued the project presentation. Landscape Designer, Maureen Allen remained in attendance. The adjacent project includes fence replacement, installation of a gate and extensive new landscaping. There will be a slight reduction in site coverage on this lot from 22.3% to 22.1% when the driveway is narrowed and a cobble berm added. Discussion followed on the health of the two manmade lined ponds, the projects wetland values, and native species plantings.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write Orders of Conditions for **SE18-2064** with the condition the only native species will be planted and no nitrogen fertilizer will be allowed. Motion passed unanimously 6 to 0.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write Orders of Conditions for **SE18-2063** with the condition the only native species will be planted and no nitrogen fertilizer will be allowed. Motion passed unanimously 6 to 0.

**PUBLIC HEARING: 77 WESTERN WAY, CULVERT REPAIR**

**SE18-2065**

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Freeman Boynton, Jr., Duxbury Construction, presented the project for the applicants, who were present. The property contains a pond within Conservation Restriction #7. The pond is one in a series of ponds that were once a trout farm. The 36" culvert at this pond has failed and needs replacement. Nancy Rufo reviewed the project on-site with Mr. Boynton. The project will replace the culvert, backfill the area and stabilize the banking. Discussion of the stream history and CRs followed.

Sam Butcher made a motion, seconded by Scott Zoltowski, to close the Public Hearing and issue an Order of Conditions for SE18-2065, pending review of CR #7. Motion passed unanimously 6 to 0.

**NEW BUSINESS:**

**2023 Duxbury Beach Reservation (DBR) Update:** Cris Luttazi, DBR Executive Director, presented an update on 2023 DBR projects, and briefly discussed a project change for 2024. The project, located on the bayside dune south of the Powder Point Bridge, has changed from a cobble berm project to a stormwater management project. Today Ms. Luttazi met with CZM staff. She displayed for the Commission, plans of the project changes. The bay-side dune adjacent to the small parking lot south of the Powder Point Bridge is completely undermined from stormwater runoff. To correct the problem, two swales will be added to the dirt road above the dune to collect runoff, one lane of the dirt road will be narrowed, the dune slope will be changed to 3:1 and a cobble/sand mix will be added to the area. Ms. Luttazi is scheduled with the Commission for a full presentation of the project change on January 9, 2024.

**OPEN FORUM:** Alicia Babcock, Duxbury Seawall Committee Chair, wanted to make the Commission aware that there was no Duxbury representative at a Marshfield DPW meeting last evening regarding sand for Duxbury Beach nourishment. The source and cleanliness of the sand are currently unknown, 60% of which will be deposited in Duxbury. The bid for the sand has not yet been awarded. Ms Babcock wanted to make the Commission aware of the situation.

**NEW BUSINESS:**

Enforcement Updates:

Nancy Rufo, Conservation Administrator, presented the following:

160 Marshall St. – Conservation Administrator Nancy Rufo has been in contact with the property owners. They expect to file an ANRAD (Abbreviated Notice of Resource Area Delineation) before the Dec. 14, 2023 deadline established by the Commission at the November 14, 2023 show cause hearing. This Public Hearing will be added to the January 9<sup>th</sup> agenda.

158 Marshall St. – Conservation Administrator Nancy Rufo has been in contact with the property owners regarding the Notice of Violation letter dated October 19, 2023. There are three issues - a float being stored on the marsh, an unapproved grassy area at the bottom of the driveway, and an unapproved boardwalk. The owners are correcting the first two issues and will file a Notice of Intent after-the-fact for the boardwalk. It is anticipated this enforcement will be included on a January meeting agenda.

3 Trout Farm, CR violation – Condominium owner cut a driveway through the subdivision's Conservation Restricted area (CR #4) with the intention of installing a driveway off of Winter Street. A planting plan will be submitted to the Commission with planting proposed for the spring of 2024.

Annual Town Meeting Articles:

There are several Conservation and Community Preservation Committee (CPC) articles planned for the 2024 Duxbury Annual Town Meeting, including funding the Conservation Fund and protection the historic Green Harbor Trail. Holly Morris, CPC Chair, noted the committee is scheduled to meet with the Finance Committee on January 11, 2024 at 6:30pm and suggested Conservation articles be presented at that time as well. Bob Hayes, Chair of the Cemetery Trustees, spoke about the Annual Town Meeting article to protect the Green Harbor Trail. Mr. Hayes and the Commission have had an ongoing debate about expansion of the Mayflower Cemetery and protection of the Green Harbor Trail. Robb D'Ambruoso summarized the situation as an ongoing disagreement between the Commission and Mr. Hayes.

**ADMINISTRATIVE MATTERS:**

**Certificate of Compliance:**

SE18-0936; Gilpin/Webby Engineering; 218 Elm Street; demo, grading, and construction. Nancy Rufo has visited the site and cannot recommend issuing a Certificate of Compliance at this time. The AsBuilt Plan does not meet the 1998 Plan of Record. Ms. Rufo will meet with the applicant and engineer to discuss the issues and include on a future agenda.

SE18-1655; Wilkinson/Grady Consulting, 55 Massasoit Road. garage raze/rebuild. Nancy Rufo reported the project is complete, but she discovered the 2013 uncashed checks in the file.

Sam Butcher made a motion, seconded by Holly Morris, to issue a Certificate of Compliance once Nancy Rufo has received and cashed new checks for the project. Motion passed unanimously 6 to 0.

SE18-1988; Szczesny/South Shore Consultants, 155 Bay Road; garage  
Nancy Rufo reported the project is complete and recommends a Certificate of Compliance.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for the project. Motion passed unanimously 6 to 0.

**Modification Request:**

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

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SE18-1795; Murphy/Environmental Consulting & Restoration; 88 Surplus Street; single family home (garage). New plans indicate a project to rebuild an existing garage. Because of its Buffer Zone location on a slope above a stream, the Commission determined a NOI is needed.

Sam Butcher made a motion, seconded by Scott Zoltowski, to require a Notice of Intent for the garage reconstruction at 88 Surplus Street. Motion passed unanimously 6 to 0.

**Minutes for Approval:**

Regular Session: November 28, 2023.

Corey Wisneski made a motion, seconded by Sam Butcher, to approve the Minutes of November 28 2023, as amended. Motion passed unanimously 6 to 0.

**ADJOURN:**

At 8:50 p.m. Scott Zoltowski made a motion, seconded by Corey Wisneski, to adjourn the meeting. Motion passed unanimously 6 to 0.

**The next Conservation Commission meeting is scheduled for Tuesday, January 9, 2024 at 7:00 p.m. in the Town Hall Mural Room.**