



Approved September 26, 2023

TOWN CLERK
2023 OCT -3 PM 2:30
DUXBURY, MASS.

Town of Duxbury Conservation Commission

Minutes of September 12, 2023

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, September 12, 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; Pat Loring, Volunteer

Meeting was called to order by Chair, Robb D'Ambruoso at 7:01 p.m.

PUBLIC MEETING; GALINDO; REQUEST FOR DETERMINATION OF APPLICABILITY; 140 DEPOT STREET, INSTALL POOL, PATIO, AND FIRE PIT

Robb D'Ambruoso read public meeting notice into the record. Property owner Ruben Galindo presented proposed plans for the project which a small portion is located within 200' of riverfront. Mr. Galindo stated that the project is outside of the wetland buffer zone and is on previously disturbed land.

Nancy Rufo informed the Commission that she performed a site visit, agrees with the proposed plan, and recommended issuing a Negative determination.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Negative determination and a Notice of Intent is not required for the construction of pool, patio, and fire pit at 140 Depot Street. Motion passed unanimously 6 – 0.

PUBLIC MEETING; CRONIN; REQUEST FOR DETERMINATION OF APPLICABILITY; 35 HALLS BROOK WAY, REMOVE TREES, RELOCATE HEDGE, INSTALL FENCING

Robb D'Ambruoso read public meeting notice into the record. Property owners Christopher and Jessica Cronin presented proposed plans for removal of eight decaying trees, relocating a privet hedge, and constructing a picket fence within wetland buffer zone.

Nancy Rufo informed the Commission that the project was subject to the Tree Removal Policy. Ms. Rufo conducted a site visit and confirmed the wetland line on the property. Ms. Rufo agreed trees need to be removed and recommended issuing a Negative determination.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue issue a Negative determination and a Notice of Intent is not required for tree removal, hedge relocation, and picket fencing at 35 Halls Brook Way. Motion passed unanimously 6 – 0.

**PUBLIC HEARING; EPSILON ASSOCIATES; NOTICE OF INTENT; 230 MARSHALL STREET, SEAWALL EXTENSION
SE18-2049**

Robb D'Ambruoso read public hearing notice into the record. Jack Vaccaro of Epsilon Associates presented proposed seawall revetment project intended to protect a brackish pond and potential vernal pool. Property owners previously made attempts to stabilize area from coastal erosion. A drift fence and sacrificial dune were installed in 2020 to prevent scour but dune only lasted one year. Mr.

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

Vaccaro stated that a cobble berm was approved by the Commission but believes the design will not hold up and instead proposes a continuous seawall that will be 16 feet in height. Mr. Vaccaro confirmed roughly 2,025 square feet of vegetation will be removed in the construction process (135' linear wall x 15' width). Mr. Vaccaro presented soil analysis indicating sandy loam glacial deposits which is consistent with a coastal bank.

Nancy Rufo informed the Commission she made a site visit and agrees with plan to protect pond. Commissioners discussed conflicting findings from previous peer reviews regarding whether resource area is a coastal bank or coastal dune, which determine performance standards for a pre-1978 structure. Commissioners agreed a site visit is necessary before taking a vote.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the hearing for SE18-2049 to October 10, 2023 at 7:00 p.m. Tom Gill abstained. Motion passed unanimously 5 – 0 – 1

Sam Butcher made a motion, seconded by Mickey McGonagle, for an on-site meeting at 230 Marshall Street on September 28th, 2023 at 1:00 p.m. Tom Gill abstained. Motion passed unanimously 5 – 0 – 1

PUBLIC HEARINGS; DUXBURY CONSTRUCTION; NOTICE OF INTENT; 315 KING CAESAR ROAD, RAZE/REBUILD SFH, AND REQUEST TO AMEND EXISTING ORDERS OF CONDITIONS; 315 KING CAESAR ROAD, RAZE/REBUILD SEAWALL SE18-2050 AND SE18-1888

Robb D'Ambruoso read public hearing notice into the record for SE18-2050 and SE18-1888. Freeman and Bo Boynton of Duxbury Construction presented proposed projects on behalf of property owners to raze and rebuild single-family home and amend Orders of Conditions issued for seawall. New home will be shifted back with basement raised from 8' to 11' flood elevation. Mr. Boynton requested to amend Orders to raze/rebuild concrete seawall and replace with slope stone and raise height. To straighten seawall Mr. Boynton proposes to remove corner jog, fill isolated vegetated to reinforce at 10:1 ratio on backside, and replicate isolated vegetated wetland at 1.5:1 ratio with native vegetation. Mr. Boynton stated dry wells can be added to improve drainage.

Abutters Deanna Mark of 294 King Caesar Road, Bob Mastrovita of 88 Upland Road, and Ted Schiavoni of 51 Upland Road voiced support of the seawall project and stated the 90° jog causes flooding on adjacent properties. Ms. Mark stated she was once stranded and unable to cross Powder Point bridge due to flooding. Mr. Schiavoni stated the isolated vegetated wetland no longer drains as it once did and now directs water across his land.

Commissioners agreed a site visit is warranted to gain better understanding of the isolated vegetated wetland and whether it meets the eight interests of the Wetlands Protection Act.

Sam Butcher made a motion, seconded by Corey Wisneski, to continue the hearing for SE18-2050 to October 10, 2023 at 7:01 p.m. Motion passed unanimously 6 – 0

Sam Butcher made a motion, seconded by Corey Wisneski, to continue the hearing for SE18-1888 to October 10, 2023 at 7:02 p.m. Motion passed unanimously 6 – 0

Sam Butcher made a motion, seconded by Holly Morris, to schedule an on-site meeting at 315 King Caesar Road on September 28th, 2023 at 12:00 p.m. Motion passed unanimously 6 – 0

**PUBLIC HEARING; DUXBURY CONSTRUCTION; NOTICE OF INTENT; 321 KING CAESAR ROAD, RAZE/REBUILD SEAWALL
SE18-2051**

Robb D' Ambruoso read public hearing notice into the record. Freeman and Bo Boynton of Duxbury Construction presented proposed project on behalf of property owners to raze and rebuild concrete seawall and replace with slope stone at 1.5:1 ratio to dissipate wave energy. Freeman stated groins will remain and new seawall will connect to existing wall at 325 King Caesar. Bo stated there is no access 321 King Caesar Road without 315 King Caesar Road property.

Nancy Rufo informed the Commission she made a site visit agrees with proposed plan.

Corey Wisneski made a motion, seconded by Mickey McGonagle, to issue Orders of Conditions and close the hearing for SE18-2051. Motion passed unanimously 6 – 0

ADMINISTRATIVE MATTERS

Parkside Draft NHESP Conservation Restriction

Pat Loring explained steps involved in the Conservation Restriction (CR) process. Ms. Loring raised questions, including why Parkside development CR draft has two different owners but only one NHESP permit number, and why Declaration paragraphs are different for each. Ms. Loring informed the Commission that the CR is still in draft process and Parkside project is conditioned not to begin until a CR holder is established. Fran DeCoste, representative of Perry Phillips Woods, stated they are aware the CR is still in draft process but cannot move forward without a CR holder.

The Commission discussed and agreed additional review of Parkside CR is necessary as it may require additional Conservation staff and resources to monitor Priority Habitat. Commissioners questioned whether monitoring land is in Conservation staff's purview. It was suggested that Parkside reach out to other CR holders such as Wildlands Trust until a decision is made.

Zoning Board of Appeals McLaughlin pier

Nancy Rufo informed the Commission of meeting regarding pier at 685 Washington Street on ZBA agenda for Wednesday September 20, 2023 and public comment is welcomed. The Commission discussed and agreed to comment via memo from Ms. Rufo to the ZBA stating Duxbury Conservation has no jurisdiction due to MassDEP issuing Superseding Orders of Conditions.

Selectboard parcel transfer

Commission members discussed proposing transfer North Hill parcels into the care and custody of the Conservation Commission. Conservation is on the Selectboard agenda for September 18, 2023.

Certificates of Compliance:

SE18-1997 Fawcett/Duxbury Construction; 363 Washington St; pier and ramp

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

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1997. Motion passed unanimously 6-0.

SE18-1998 Fawcett/Duxbury Construction; 363 Washington St; seawall repair

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

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1998. Motion passed unanimously 6-0.

SE18-1955 Pontiff/Duxbury Construction; 184 Marshall St; raze/rebuild sfh, pool

Nancy Rufo stated that a site visit confirmed work was completed in compliance with approved plans, but information is missing from the As-built plan and recommended issuing a full Certificate of Compliance with the condition that an accurate As-built plan is submitted to Conservation.

Sam Butcher made a motion, seconded by Tom Gill, to issue a Certificate of Compliance for SE18-1955 with the condition that an accurate As-built plan is submitted to Conservation. Motion passed unanimously 6-0.

SE18-1886 Boynton/Duxbury Construction; 1 Modoc St; widen road, grading, utilities

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

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1886. Motion passed unanimously 6-0.

SE18-2002 Boynton/Duxbury Construction; 3 Modoc St; driveway, grading, well

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

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-2002. Motion passed unanimously 6-0.

SE18-2007 Boynton/Duxbury Construction; 0, 1, 3, 5, 7, 9 Modoc St; paving

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

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-2007. Motion passed unanimously 6-0.

SE18-1883 Duxbury Fitness/Duxbury Construction; 612 Congress Street; addition

Nancy Rufo stated the Orders of Conditions lapsed and are no longer valid, a site visit confirmed work never commenced, and recommended issuing a full Certificate of Compliance.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue a Certificate of Compliance for SE18-1883. Motion passed unanimously 6-0.

SE18-1937 Request for Extension of Orders of Conditions; Duxbury DPW, Powder Point Bridge repair

Nancy Rufo stated DPW Director requested to extend Orders of Conditions for SE18-1937 and recommended issuing extension for three additional years.

Sam Butcher made a motion, seconded by Mickey McGonagle, to extend Orders of Conditions for SE18-1937 for three years from date of expiration which will be valid through December 30, 2026. Motion passed unanimously 6-0.

CONSERVATION MINUTES

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Minutes for approval: Regular Session August 8, 2023

Sam Butcher made a motion, seconded by Holly Morris, to approve the meeting minutes of August 8, 2023. Motion passed unanimously 6 – 0.

NEW BUSINESS

Mickey McGonagle addressed the ambiguity of wetlands regulations in velocity zones. Conservation Department staff will begin working on a matrix for velocity zones, and add to future agenda for discussion.

ADJOURNMENT

Mickey McGonagle made a motion, seconded by Holly Morris, to adjourn the meeting at 9:34 p.m. Motion passed unanimously 6 – 0.

The next meeting is scheduled for September 26, 2023.