



Approved February 14, 2023

Town of Duxbury Conservation Commission

Minutes of January 31, 2023

TOWN CLERK
2023 APR 21 AM 10:17
DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, January 31, 2023 at 7:00 p.m.

Members Present: Robb D'Ambruoso, Chair; Scott Zoltowski, Vice Chair; Sam Butcher; Corey Wisneski; and Mickey McGonagle

Members Absent: Holly Morris and Thomas Gill, III

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.

PUBLIC HEARING; KRAMER/MERRILL ENGINEERS; 80 SOUTH RIVER LANE WEST; HOME ADDITION, DECK ADDITION, NATIVE PLANT MITIGATION DEP FILE # SE18-2024

Robb D'Ambruoso read the public hearing notice for SE18-2024. Tom Pozerski, Merrill Engineers, presented the project for landowner Benedikt Kramer. The project is within the 50 ft Buffer Zone of a Bordering Vegetated Wetland (BVW). Mr. Pozerski referred to Town wetlands regulation 23.9b regarding walled structures within the 50 ft Buffer Zone and noted existing disturbed area within 35 ft of the BVW including a gravel driveway. The proposed plan includes narrowing the gravel driveway and adding a 440 square ft native plant mitigation area.

Conservation Administrator Nancy Rufo stated that she performed a site visit and is concerned about the walled foundation. Ms. Rufo explained that a precedent was set at a neighboring property that was required install a pier foundation within same footprint. Also, Ms. Rufo stressed Town Regulation 23.9c clearly states no mitigation is sufficient to allow for a walled foundation within the 50 foot buffer. The Commissioners stated the need to continue the hearing in order to clarify Town Regulations 23.9b and c before issuing a decision as the two seem contradictory. Commissioners also requested revised plans with additional mitigation measures proposed.

Sam Butcher made a motion, seconded by Corey Wisneski, to continue the Public Hearing for 80 South River Lane West until February 14, 2023 at 7:03 p.m. Motion passed unanimously 5 to 0.

PUBLIC MEETING; NORBERG/DUXBURY CONSTRUCTION; 10 HOWLANDS LANDING; REPLACE RAILROAD TIES AND REPLACE PORTION OF RAIL SYSTEM

Robb D'Ambruoso read the public meeting notice for 10 Howlands Landing. Freeman Boynton, Duxbury Construction, presented the project for landowners, John and Margaret Norberg. The proposed project involves the replacement of railroad ties and a portion of the rail system for a boat winch located within a tidal flat and salt marsh. Materials for the project include pressure treated wood, galvanized lag screws, and steel rails. Mr. Boynton confirmed that creosote treated wood will not be used and all digging will be performed by hand.

Corey Wisneski made a motion, seconded by Scott Zoltowski, to issue a Negative determination for 10 Howlands Landing. Motion passed unanimously 5 to 0.

ADMINISTRATIVE MATTERS:

Notice of Violation at 160 Marshall Street

Nancy Rufo reported a Title V Inspection was completed at 160 Marshall Street by Duxbury Construction. This resulted in an automatic failure due to the cesspool system on site. As

part of the inspection report, two showers and plumbing were noted at the two bungalows already subject to Conservation Order of Conditions (SE18-1971). The showers and plumbing discharge directly into the Buffer Zone of a Coastal Bank. Ms. Rufo issued a Notice of Violation on 1/27/2023 which allows the property owners 30 days to remedy the violation by either ceasing use or filing a Notice of Intent. If a Notice of Intent or remedy is not received within 30 days, the next step is an Enforcement Order and daily fines. Charles (CJ) and Cleo Husk were present to provide additional information. The Husks noted the showers and plumbing have never been used and were looking for guidance from the Commission on how to remedy the situation. The Commissioners informed the Husks the easiest solution would be to immediately cease activity and to place a cap on the plumbing fixtures until the project is reviewed and approved by the Conservation Commission. Once the plumbing is capped, the Husks are to notify Nancy Rufo with a letter and photos.

Minutes for Approval:

Approval of the January 3, 2023, January 17, 2023, and January 18, 2023 minutes was tabled until the February 14, 2023 meeting.

Finalization of Tree Policy:

Approval of Tree Policy was tabled until the February 14, 2023 meeting to allow for revisions.

Conservation Fund Expenditure:

Nancy Rufo presented a payment resolution for the remaining balance owed to Duxbury Construction for the Delorenzo Farm trash pit clean-out. The original estimate did not cover the actual size of the pit which wasn't determined until work began. Ms. Rufo proposed payment of \$2,000.00 from Operating budget and the remaining balance of \$4,325.71 from the Conservation Fund.

Sam Butcher made a motion, seconded by Robb D'Ambruoso, to approve payment of the outstanding balance due to Duxbury Construction. Motion passed unanimously 5-0.

NEW BUSINESS

No new business to discuss.

ADJOURNMENT:

At 8:32 p.m. Sam Butcher made a motion, seconded by Scott Zoltowski, to adjourn the meeting. Motion passed unanimously 5-0

The next Conservation Commission meeting is scheduled for Tuesday, February 14, 2023 at 7:00 p.m.