



Approved March 14, 2023

# Town of Duxbury Conservation Commission

Minutes of March 1, 2023

TOWN CLERK  
APR 20 AM 11:15  
DUXBURY, MASS.

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Wednesday, March 1, 2023 at 7:00 p.m.

**Members Present:** Robb D'Ambruoso, Chair; Scott Zoltowski, Vice Chair; Sam Butcher; Mickey McGonagle; and Holly Morris

**Members Absent:** Thomas Gill, III and Corey Wisneski

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:05 p.m. He introduced seated Commission members and staff.

## **PUBLIC HEARING; PERRY PHILLIPS WOODS LLC/MCKENZIE ENGINEERING; NOTICE OF INTENT; PROPERTY OFF KEENE STREET, PARKSIDE DEVELOPMENT, STORMWATER BASINS**

### **SE18-2028**

Robb D'Ambruoso, Chair, read the Public Hearing Notice for SE18-2028. Bradley McKenzie, McKenzie Engineering, presented plans for proposed stormwater infiltration drainage basins located at 0 Keene Street. A portion of the proposed stormwater management system is within the 100-foot buffer to BVW and some lots will need to be filled due to uneven topography. Mr. McKenzie confirmed that the project would not limit or block access to trails, and the Scarry property will maintain an easement. Jack O'Reilly was present at the hearing on behalf of the Scarry property.

The site is mapped as Priority Habitat for Eastern Box Turtles. Proposed activities will result in a "Take" of Eastern Box Turtles due to habitat loss which has been in deliberation with Natural Heritage and Endangered Species Program. NHESP will not provide a final decision until a Conservation Management Program has been submitted. A CMP to permanently protect 39 acres with a Conservation Restriction is in progress and a stormwater management plan has been created. A hearing with the Planning Board is scheduled for March 13, 2023. Revised plans proposing a different drainage system will be submitted to the Conservation Commission.

Nancy Rufo conducted two site visits and recommended continuing the hearing until after a peer review by Lenore White of Wetland Strategies, Inc. at a cost of \$2,500.00.

Sam Butcher made a motion, seconded by Holly Morris, to retain Lenore White of Wetland Strategies, Inc. to perform a peer review of 0 Keene Street per scope of services dated 1/31/2023 in the amount of \$2,500.00. Motion passed unanimously 5-0

Sam Butcher made a motion, seconded by Scott Zoltowski, to continue the public hearing on SE18-2028, regarding a subdivision stormwater drainage system at 0 Keene Street, to March 28, 2023 at 7:03 p.m. Motion passed unanimously 5-0.

## **PUBLIC HEARING; WILLIS/SEACOAST ENGINEERING; NOTICE OF INTENT; 40 PINE POINT ROAD, RAZE & REBUILD**

### **SE18-2025**

Robb D'Ambruoso, Chair, read the Public Hearing Notice for SE18-2025. Paul Brogna of Seacoast Engineering presented plans for proposed demolition of an existing single-family home. The home is

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



located on a previous non-conforming lot, on a barrier beach subject to storm flowage. The new home will be constructed on open pile foundation at an elevation of 11.5' which is higher than the minimum requirement. Paul Brogna stated that the shed on the property will be staying 'as is' but will most likely require repairs at some point.

Nancy Rufo made a site visit and reported that the project meets all rules and regulations. Ms. Rufo asks for the condition that a foundation plan be submitted to Conservation for review and approval.

Sam Butcher made a motion, seconded by Mickey McGonagle, to issue Orders of Conditions and close the hearing for SE18-2025, with the condition that foundation plans are to be submitted for review and approval by the Commission. Motion passed unanimously 5-0.

**PUBLIC HEARING; FRAME/WATER & WETLAND LLC; NOTICE OF INTENT; WESTERN WAY/BEAVERBROOK LANE, AQUATIC/POND MANAGEMENT  
SE18-2030**

Robb D'Ambruoso, Chair, read the Public Hearing Notice for SE18-2030. Colin Gosselin, Water & Wetland LLC, presented the proposed aquatic management plan at Western Way and Beaver Brook Lane ponds. Water sampling of the ponds indicate high phosphorus levels. The ponds are covered in algae with little to no open water habitat. Water treatment will include biochar filters to bind phosphorus coming into the pond. Mr. Gosselin stated that a similar project is ongoing at Camp Wing.

Board members discussed the possibility of testing stormwater for phosphorus levels and whether a biochar filter has been proposed at the entrance of the northernmost pond. Mr. Gosselin replied there was not, but it's common to receive requests for aquatic management from neighboring properties once a system installed.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue Orders of Conditions and close the hearing for SE18-2030. Motion passed unanimously 5-0.

**PUBLIC HEARING; RIZZO/GRADY CONSULTING; NOTICE OF INTENT; 605 FRANKLIN STREET, HOME ADDITION  
SE18-2032**

Robb D'Ambruoso, Chair, read the Public Hearing Notice for SE18-2032. Nancy Rufo recommended that the hearing for SE18-2032 be continued to March 28, 2023 at 7:02pm as applicant is in the process of revising plans.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the hearing for SE18-2032 to March 28, 2032 at 7:02pm. Motion passed unanimously 5-0.

**CONTINUED PUBLIC HEARING; DUXBURY YACHT CLUB/DUXBURY CONSTRUCTION;  
NOTICE OF INTENT; 70 FAIRWAY LANE; NOTICE OF INTENT, SPORT COURTS  
SE18-2027**

Scott Zoltowski, Vice Chair, recused himself from the hearing due to a conflict of interest.

Freeman Boynton, Duxbury Construction, presented the proposal to install four pickleball courts at Duxbury Yacht Club where swimming pools were previously located. The courts will be sunken down to provide a noise buffer and a drainage system will be installed.

Nancy Rufo made a site visit and confirmed that the Isolated Vegetated Wetland indicated on plans is a Bordering Vegetated Wetland. Ms. Rufo stated that otherwise, the delineation is correct.

Sam Butcher made a motion, seconded by Holly Morris, to issue Orders of Conditions and close the hearing for SE18-2027. Motion passed 4-0 with one recusal (Scott Zoltowski).

**CONTINUED PUBLIC HEARING; KRAMER/MERRILL ENGINEERS; NOTICE OF INTENT; 80 SOUTH RIVER LANE WEST, HOME ADDITION, & MITIGATION SE18-2024**

Nancy Rufo informed the Commission that the hearing for SE18-2024 needed to be continued to March 28, 2023 at 7:00pm to meet quorum requirements.

Scott Zoltowski made a motion, seconded by Mickey McGonagle, to continue the hearing for SE18-2024 to March 28, 2023 at 7:00pm. Motion passed unanimously 5-0.

**PUBLIC MEETING; PATRICIA LORING/CONSERVATION RESTRICTION AGREEMENT FOR DUXBURY RURAL AND HISTORICAL SOCIETY**

Scott Zoltowski, Vice Chair, and Sam Butcher recused themselves from the discussion due to a conflict of interest. Pat Loring presented information regarding five waterfront parcels owned by the Duxbury Historical Society which require a Conservation Restriction. Ms. Loring stated that it should be possible to combine the group of parcels into one CR.

Board members tabled voting on the matter until March 14, 2023 in order to obtain a quorum of Commissioners.

**ADMINISTRATIVE MATTERS**

**160 Marshall Street Violation Update**

Nancy Rufo updated board members regarding the status of the wetland violation at 160 Marshall Street. Photographs of capped drainage pipes were provided by property owners, but a site visit is necessary to confirm they are not discharging to wetlands. Board members agreed that a site visit and a formal letter from the property owners certifying that the drainage pipes are capped is necessary.

**Request for Modification SE18-1954 Duxbury Beach Reservation**

Cris Lutazzi, Duxbury Beach Reservation, presented a plan modification for ongoing dune and beach nourishment at Duxbury Beach. An emergency vehicle accessway is located within a vulnerable portion of barrier beach. Relocating the pathway southward to a wider section of barrier beach would be beneficial. The new accessway will be angled from NW to SE to minimize storm surge and tidal flows. The existing pathway will be backfilled as part of the dune restoration project.

Sam Butcher made a motion, seconded by Mickey McGonagle, to approve the plan modification for SE18-1954. Motion passed unanimously 5-0.

**Certificates of Compliance:**

Nancy Rufo stated there are no Requests for Certificates of Compliance for review.

**Minutes for Approval:**

**Regular Session Minutes: February 14, 2023**



Scott Zoltowski made a motion, seconded by Sam Butcher, to approve the Regular Session meeting minutes of February 14, 2023 with clerical corrections. Motion passed unanimously 5-0.

**NEW BUSINESS:**

**Wetlands Bylaw Codification**

Nancy Rufo presented a proposal for utilizing eCode260 for the codification of the Duxbury wetlands bylaws. The codification would make it easier to access information about wetlands bylaws through the town website. The Planning Department will cover the initial cost of \$12,995.00. The cost to the Conservation Department would be an annual fee of about \$400.00. Further discussion was tabled until the March 14, 2023 meeting after the Commissioners have had adequate time to review the proposal.

**Gifford/Temple Street resident concerns; dirt bikes/motorized vehicles, enforcement**

Robb D'Ambruoso opened a discussion regarding reports of dirt bike activity on public trails which is against town regulations. Board members agreed that a discussion with the Police Chief would be useful and suggested signage where unauthorized activity is taking place.

**ADJOURNMENT:** Scott Zoltowski made a motion, seconded by Sam Butcher, to adjourn the meeting at 8:43 p.m. Motion passed unanimously 5-0.

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