



Approved October 24, 2023

# Town of Duxbury Conservation Commission

2023 OCT 27 AM 11:47  
DUXBURY, MASS.

Minutes of October 10, 2023

The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, October 10, 2023 at 7:00 p.m.

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

**Members Absent:** Tom Gill, III

**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; VACCARO/DUXBURY CONSTRUCTION; 230 MARSHALL STREET, SEAWALL SE18-2049

Jack Vaccaro of Epsilon Associates presented proposed project to construct a seawall to protect a freshwater pond and potential vernal pool. Recent soil samples indicate the resource area to be a coastal bank and not a dune. Commissioners acknowledged previously approved structures have failed and agreed seawall would protect the pond and the property for a reasonable duration. Commissioners informed the applicant a separate filing is necessary to construct connecting portion of wall with neighbor at 246 Marshall Street.

Sam Butcher made a motion, seconded by Holly Morris, to issue Orders of Conditions and close the hearing for SE18-2049. Motion passed unanimously 6 – 0.

## CONTINUED PUBLIC HEARING; NOTICE OF INTENT; CALISTA/DUXBURY CONSTRUCTION; 315 KING CAESAR ROAD, RAZE/REBUILD SFH AND SEAWALL SE18-2050

Freeman Boynton, Jr. presented proposed project to raze and rebuild SFH farther away from 100-foot buffer and within same footprint. The new location will allow to raise grade of and prevent basement flooding.

Sam Butcher made a motion, seconded by Mickey McGonagle to issue Orders of Conditions and close the hearing for SE18-2050. Motion passed unanimously 6 – 0.

## CONTINUED PUBLIC HEARING; REQUEST TO AMEND ORDERS OF CONDITIONS; CALISTA/DUXBURY CONSTRUCTION; 315 KING CAESAR ROAD, SEAWALL SE18-1888

Freeman Boynton, Jr. and Freeman Boynton, III of Duxbury Construction presented proposed project to partially fill isolated vegetated wetland (IVW) and construct slope stone seawall to connect with neighboring seawalls. The Boyntons stated curving seawall around IVW would cause eddies and rip currents that scour and erode beach, and straight wall will prevent this. Commissioners discussed IVW is protected under local regulations and provides erosion, flooding, and stormwater protection yet seawall would protect neighborhood and open up ~2,500 square feet of beach. Proposed 2:1 dune planting is allowed, but Commissioners stated this is not a replication of IVW. Bob Mastrovita of 88 Upland Road voiced his support and stated project is a compromise, but a greater good in solving neighborhood flooding problem. The Boyntons agreed to include the property in the annual beach nourishment of King Caesar Road.

Sam Butcher made a motion, seconded by Holly Morris, to approve the Amendment to Orders of Conditions for SE18-1888, with the condition that property will receive beach nourishment on an annual basis. Motion passed 5 – 1.

**PUBLIC HEARING; NOTICE OF INTENT; LEEDOM/TRC ENVIRONMENTAL, 137 SOUTH STATION STREET, AQUATIC MANAGEMENT OF POND SE18-2057**

Robb D'Ambruoso read the public hearing notice into the record. James Treacy of TRC Environmental presented proposed aquatic management of pond currently overgrown with cattail and lily pads. Commissioners asked if manual removal of vegetation was possible. Mr. Treacy stated manual removal causes short-term turbidity and foliar spray is applied directly to leaves with minimal amount going into pond. Targeted herbicide will create open water habitat and increase dissolved oxygen, but use of biotics would not produce effect property owners want.

Nancy Rufo stated she conducted a site visit and agrees with the aquatic management plans.

Scott Zoltowski made a motion, seconded by Sam Butcher, to issue Orders of Conditions and close the hearing for SE18-2057. Motion passed unanimously 6 – 0.

**PUBLIC HEARING; NOTICE OF INTENT; WALSH/CROWELL ENGINEERING; 50 RAILROAD AVE, SITE PREPARATION FOR DEVELOPMENT SE18-0000 (DEP file # pending)**

Nancy Rufo informed the Commission a DEP file number has not yet been issued. It is possible to open the hearing but cannot close without DEP file number. Applicant requested not to open hearing and continue to next available date.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the hearing for 50 Railroad Ave to October 24, 2023 at 7:03 p.m. Motion passed unanimously 6 – 0.

**PUBLIC HEARING; NOTICE OF INTENT; PALMA/DUXBURY CONSTRUCTION; 27 ELDERBERRY LANE, ADDITION, DECK, POOL SE18-2054**

Freeman Boynton, Jr. of Duxbury Construction presented proposed project. A SFH was completed in the same footprint under DEP file # SE18-1521 and percentage of coverage was reserved for use at later date. Addition, deck, and pool will be located between 50-foot and 100-foot buffer.

Sam Butcher made a motion, seconded by Corey Wisneski, to issue Orders of Conditions and close hearing for SE18-2054. Motion passed unanimously 6 – 0.

**OPEN FORUM**

Nancy Rufo reminded Commissioners the applicant for development at 766 & 782 Temple Street requested prepared questions prior to continued hearing date of November 14, 2023. Commissioners can forward questions to staff via email and combined into one document.

**NEW BUSINESS**

**Island Creek Pond Discussion with TRC Environmental**

James Treacy addressed possible use of biotics to break down muck in Island Creek Pond. Herbicides cannot be used as pond irrigates adjacent cranberry bogs. Mr. Tracey will research potential negative effects of biotics and report back to the Commission. Commissioners noted it may be helpful to talk with cranberry growers in addition to research.

If biotics are found to be harmless to cranberry bogs, a pilot program at Island Creek Pond may be possible.

**Land Subject to Coastal Storm Flowage Performance Standards**

Commissioners stated need to establish clear regulations and construction standards for projects on Land Subject to Coastal Storm Flowage (LSCSF). State of Massachusetts regulations lack performance standards for LSCSF and Duxbury's wetland regulations are thought to be ambiguous. Precedent set by Conservation also conflicts with building code. Commissioners discussed and agreed further research is necessary to clarify LSCSF regulations.

**Request for Enforcement at 160 Marshall Street**

Nancy Rufo informed the Commission resident has requested a continuance to November 14, 2023 to allow time to engage legal counsel.

**ADMINISTRATIVE MATTERS**

**Certificates of Compliance:**

**SE18-1922; Gamsa/McKenzie Engineering; 7 Evergreen Terrace, SFH**

Nancy Rufo stated Certificate of Compliance was issued and recorded, but recommends issuing duplicate for Amended Orders of Conditions recorded with a different book and page number at Registry of Deeds.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Certificate of Compliance for Amended Orders of Conditions for SE18-1922. Motion passed unanimously 6 – 0.

**SE18-2001; Olwell/Duxbury Construction; 15 Quail Run, pool, landscaping**

Nancy Rufo stated she made a site visit, project was completed in compliance with Orders of Conditions, and recommends issuing a Certificate of Compliance.

Sam Butcher made a motion, seconded by Scott Zoltowski, to issue a Certificate of Compliance for SE18-2001. Motion passed unanimously 6 – 0.

**Extension of Orders of Conditions:**

**SE18-1740; Town of Duxbury/Water & Wetlands; Garside Reservoir, aquatic management**

Nancy Rufo informed the Commission Orders of Conditions for Garside Reservoir allows for aquatic management and recommends issuing an extension.

Sam Butcher made a motion, seconded by Mickey McGonagle to extend Orders of Conditions for SE18-1740. Motion passed unanimously 6 – 0.

**Minutes for approval: Regular Session September 26, 2023**

Sam Butcher made a motion, seconded by Scott Zoltowski, to table approval of meeting minutes of September 26, 2023 to next meeting so minor revisions can be made. Motion passed unanimously 6 – 0.

**ADJOURN**

Mickey McGonagle made a motion, seconded by Corey Wisneski, to adjourn the meeting at 9:05 p.m. Motion passed unanimously 6 -0.

**The next meeting is scheduled for October 24, 2023**