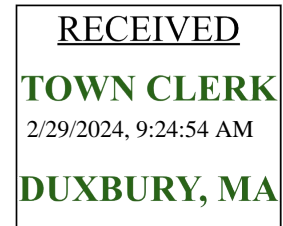




Approved February 27, 2024

# Town of Duxbury Conservation Commission

**MINUTES OF JANUARY 23, 2024**



The Duxbury Conservation Commission met in person in the Town Hall Mural Room on Tuesday, January 23, 2024 at 7:00 p.m.

**Members Present:** Robb D'Ambruoso, Chair; Samuel Butcher, Daniel (Mickey) McGonagle, Holly Morris, and Corey Wisneski.

**Members Absent:** Tom Gill III and Scott Zoltowski

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

Meeting was called to order by Chair, Robb D'Ambruoso at 7:00 p.m.

**CONTINUED PUBLIC HEARING: NOTICE OF INTENT; MASTROMARINO; 93 GURNET ROAD; RETAINING WALL RAZE AND REPLACEMENT. SE18-2058.**

Mr. Mastromarino stated the project has been curtailed. There will be no wall replacement. The driveway will be resurfaced.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2058. Motion passed unanimously 5 to 0.

**PUBLIC HEARING: NOTICE OF INTENT; DUXBURY DPW/WESTON & SAMPSON; 0 & 155 MAYFLOWER STREET; INVESTIGATIVE TEST PITS. SE18-2072**

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Devon Hurtz, Weston & Sampson Wetland Scientist, presented the project which consists of installing 14 test pits to test for hazardous materials at the town owned 9-acre former McNeil Dump site. Fourteen investigative test pits will be installed, four in a Wetland Resource Area, four in the Buffer Zone and the remainder in the upland. Existing condition photos were shown. Test pits will be 10 -12 ft. below grade and 50 sq. ft. in size. Erosion control measures will be installed. The plan is to stay entirely out of the Wetland Resource Area. If it becomes necessary for machinery to enter the wetland, matting will be installed. All equipment and materials will be stockpiled on the upland. Any wetland impact is expected to be temporary. If the wetland does not revegetate naturally after one growing season, it will be revegetated by hand. Tree clearing may be necessary. Expected impacts include: 2765 sq. ft. to the Bordering Vegetated Wetland and 2500 sq. ft. to the Buffer Zone.

Nancy Rufo stated she has visited the site, viewed all Wetland Resource Areas and considers the project to be straightforward.

Commissioners noted that Weston & Sampson should expect to find metal, wood, concrete, and possibly hazardous materials. Devon Hurtz stated any removed materials will be placed on polyethylene matting. Karl Schwitzer, Heritage Lane, expressed concern about impacts to the Wetland Resource Areas.

Sam Butcher made a motion, seconded by Mickey McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2072. Motion passed unanimously 5 to 0.

**PUBLIC HEARING: NOTICE OF INTENT, MAITINO/GRADY CONSULTING; 41 HICKS POINT ROAD; ADDITION.**

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

**SE18-2073**

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record. The Public Hearing must be continued because a DEP File number has not been received and three abutters were not properly noticed. There was no deliberation.

Sam Butcher made a motion, seconded by Mickey McGonagle, to continue the 41 Hicks Point Road Public Hearing to February 13, 2024 at 7:02 p.m. Motion passed unanimously 5 to 0.

**CONTINUED PUBLIC HEARING: NOTICE OF INTENT, WALSH/CROWELL ENGINEERING; 50 RAILROAD AVENUE, SITE PREPARATION FOR 40B DEVELOPMENT.**

**SE18-2059**

There is an ongoing dispute regarding the onsite Wetland Resource Area stream designations. Applicant, Mathew Walsh, presented the project to date. He stated the Duxbury Zoning Board of Appeals (ZBA) approved the plans as written on 1/22/24 with a 100 ft. Buffer Zone and no Riverfront Area. The 40B Comprehensive Permit stipulates the ZBA stream designation is required. Mr. Walsh stated prior DEP projects SE18-1786 and SE18-1885 in the same area included an intermittent stream, not a perennial stream. designation. He also stated when the 40B project is approved by the ZBA all approvals are done.

Project engineer, John Zimmer, South River Environmental, reviewed his field work for the Bordering Vegetated Wetland (BVW) and stream flow rates. He stated the stream failed the perennial stream definition.

Brad Holmes, Environmental Consulting and Restoration (ECR), consultant to the applicant, stated he is in full agreement with John Zimmer. It is a small watershed flowing offsite.

Lenore White, Wetland Strategies, Inc. (WSI), Peer Reviewer to the Commission, disagreed with the stream designation. She stated there are two streams onsite and the project is in a Riverfront Area. Her analysis focused on the second stream. She stated the applicant has not overcome the presumption that this is a perennial stream.

The Commission noted the second stream was not shown on the project plans. They questioned how they can review a project without all the Resource Areas being shown. Because of past projects in the area stream changes would be expected. The applicant's team stated the runoff onto the site was decreased not increased from nearby projects. Debate followed on pools and riffles.

Nancy Rufo reported Town Counsel, Amy Kwessel, has stated if the Conservation Commission disagrees with the stream definition, the ZBA must reopen the Public Hearing. Ms. Rufo also asked why the second stream was not shown on the plans.

Sam Butcher made a motion, seconded by Holly Morris, to continue the Public Hearing for 50 Railroad Avenue, SE18-2059 to February 27, 2024 at 7:05 p.m. at the Duxbury Senior Center. Motion passed unanimously 5 to 0.

**OPEN FORUM:** No one was present for Open Forum.

**NEW BUSINESS:**

Duxbury Beach Reservation (DBR) Annual Report: Joey Negreann, DBR Reservation Coordinator and Brynna McGlathery, DBR Assistant Director presented the DBR Annual Report according the SE18-1954 Orders of Conditions #58 and #59. The 2024 project list

includes twenty-four to twenty-eight projects. Twenty-three projects are routine, two will be done this winter. The winter projects include 50,000 cubic yards of beach nourishment and a mixed sediment bayside berm with stormwater infiltration swales. The beach nourishment project is expected to begin next week. The mixed sediment bayside berm with stormwater infiltration swales project will be presented at the next meeting.

Revised Wetland Regulations for Public Comment: Corey Wisneski, Holly Morris, Nancy Rufo and Sam Butcher attended the MassDEP Revised Wetland Regulation seminar. Several additional sessions will be offered. It was agreed the Duxbury Commission should submit their suggested revisions at a later date following discussion.

Protection of the Historic Green Harbor Trail – Annual Town Meeting Article Discussion: The Commission discussed at length the pros and cons of moving forward with Annual Town Meeting Article 17 to protect the Historic Green Harbor Trail. It was decided to request an Indefinite Postponement of Article 17 at the 2024 Annual Town Meeting. Mickey McGonagle was thanked for his extensive work on the project.

Sam Butcher made a motion, seconded by Mickey McGonagle, to Indefinitely Postpone 2024 Annual Town Meeting Article 17 related to the Protection of the Historic Green Harbor Trail. Motion passed unanimously 5 to 0.

#### **ADMINISTRATIVE MATTERS:**

**Minutes for Approval:** Regular Session minutes of January 9, 2024.

Sam Butcher made a motion, seconded by Corey Wisneski, to approve the Regular Session Minutes of January 9, 2024. Motion passed unanimously 5 to 0.

**ADJOURN:** At 9:15 p.m. Mickey McGonagle made a motion, seconded by Holly Morris, to adjourn the meeting. Motion passed unanimously 5 to 0.

**The next Conservation Commission meeting is scheduled for Tuesday, February 13, 2024 at 7:00 p.m.**