



Town of Duxbury Massachusetts

November 18, 2020

RE: Beach Nourishment Project - Easements in favor of the Town of Duxbury

Dear Sir/Madam:

As an owner of waterfront property, you are undoubtedly aware that long-term erosion has resulted in lowering the Beach elevation, leaving homes and shore protection structures, such as dunes, revetments and seawalls, vulnerable to coastal storms and damaging wave overtopping.

Since the erosion is affecting the beaches in the Towns of Duxbury and Marshfield, the two Towns are jointly planning to permit and undertake large-scale beach nourishment projects at the critically eroded beaches in the **Fieldston Beach, Sunrise Beach, Bay Avenue Beaches areas, and Gurnet Road areas of Marshfield and Duxbury.** The Towns have been working on a study, funded by the Massachusetts Coastal Zone Management Coastal Resiliency Program, that identifies these places as areas where beach and dune nourishment can be used effectively to minimize wave overtopping and related coastal flooding in these neighborhoods. More information on the projects can be found on the Town Planning Department web site at <https://www.town.duxbury.ma.us/planning-department> (please click the tab that refers to CZM Coastal Zone Resiliency on the left side of the page). The project may occur in phases as matching beach material becomes available (through dredging or other means).

You are receiving this notice because **your property is located within one of the areas identified as benefitting from this proposed nourishment**, and in order for the Towns to proceed with the Project, **the Town of Duxbury needs to obtain two separate kinds of easements from you as property owners:**

1. A permanent easement to use portions of your property for the purpose of undertaking the beach nourishment projects and for long-term maintenance. We are in the preliminary design stages, and engineering plans are available on the website above for preliminary viewing. The engineering designs for the nourishment projects include a dune approximately 4 to 6 ft. below the crest of the seawalls, as well as large-scale nourishment that would raise the elevation of the beaches by approximately 5 ft. and move the high water line seaward by as much as 200 ft. The Towns' engineering experts have informed us that benefits associated with the projects include enhanced storm damage protection for existing shore protection structures and nearby homes, reduced wave overtopping, enhanced shorebird habitat, and improved recreational value of the beaches.
2. In addition, in order for the Towns to have access to public funds from grant sources we anticipate using, which will directly benefit waterfront properties, the Towns are required by federal and state authorities to allow public access to the "nourishment area," which consist of the entire beach, from areas above the high

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water mark in some instances, to the coastline. In order for the Towns to apply for and expend such public funds, the Towns are requesting that waterfront property owners agree to grant the public an easement to pass and repass, by foot, along and across the "nourishment area." The Towns will pose reasonable limitations to the proposed public access easement, which we have been advised would be acceptable to the state and federal authorities that are expected to provide substantial public funding through grants and other assistance with these projects. We are advised that the limitations prohibit the public from accessing the easement areas later than one-half hour after sunset and no earlier than sunrise, and that public access will not be required for any existing structure, enclosure, or other improvements that have been or are made or allowed pursuant to any law or any license, permit, or other authority issued or granted under the General Laws, provided that such area is clearly and conspicuously posted as not being open to the public.

Both easements – the easement to the Town and to members of the public – will cover property seaward of the seawall on your Property. The easement does not permit access to the portion of your Property that is landward of the seawall. If your Property does not have a seawall, the easement will cover the area shown as "Existing Maintenance Easement" shown on the seawall plan that is recorded with the Plymouth Registry of Deeds in Book 39, Page 360, and land extending seaward of that area. This is the same plan that was used by the Town to acquire easements for the rehabilitation of the seawall.

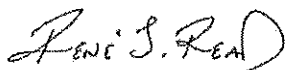
We are attaching a draft Grant of Easement form provided to us by our consultants at the Woods Hole Group which includes both easements. We ask that you consider granting this easement to the Town not later than February 22, 2021. We think that granting such an easement is reasonable in exchange for the much needed beach front protection that the beach nourishment projects will provide. We need each and every waterfront property owner to grant such an easement. It is our opinion that the easement will not impair, but, rather, will improve the value and marketability of your property. We have attached additional schematics and narratives that also explain the beach nourishment project.

We will hold a remote informational session in January to discuss the beach nourishment projects and explicitly review the need for the specific types of easements at an upcoming meeting which will be advertised in the Marshfield Mariner and Duxbury Clipper.

Finally, we urge you to consider supporting this critically important beach nourishment project both for the long-term protection and preservation of your property and the area's natural resources. If the Towns are unable to secure all of the easements, the Towns will not obtain funds to protect your Property and the beach in general from further erosion and storm damage.

If you are unable to attend this meeting or have any questions regarding this matter, please do not hesitate to contact the Town Planner for your community – their contact information is on the website noted above.

Sincerely,



René J. Read
Town Manager

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