



Approved March 12, 2024

Town of Duxbury Conservation Commission

TOWN CLERK
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DUXBURY, MASS.

MINUTES OF FEBRUARY 27, 2024

The Duxbury Conservation Commission met in person in the Senior Center Second Floor Large Classroom on Tuesday, February 27, 2024 at 7:00 p.m.

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

Members Absent: Corey Wisneski, Tom Gill III, and Scott Zoltowski

Staff Present: Nancy Rufo, Conservation Administrator, and Allison Shane, Principal Assistant

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

7:05 p.m. Amy Kwessel, Town Counsel, arrived.

CONTINUED PUBLIC HEARING: ANRAD; HUSK/GODDARD CONSULTING; 160 MARSHALL STREET; WETLAND DELINATION. SE18-2068.

Tom Schutz, Goddard Consulting Wetland Scientist, presented the project for homeowners, C.J. and Cleo Husk and Jennifer Bylo. The continued Public Hearing was being held to determine the location and type of onsite Wetlands Resource Areas under the MA Wetlands Protection Act and the Duxbury Local Wetland Bylaw. The Public Hearing was continued on January 9, 2024 to allow for a peer review to confirm the wetland delineation. Lenore White, Wetland Strategies, Inc., Peer Reviewer to the Commission, since walked the site with Mr. Schutz and the revised ANRAD (dated 2.20.2024) incorporated changes including flagging the coastal beach, adding the coastal dune, and moving back salt marsh flags. Mr. Schutz stated that the property has two separate v zones, V12 and v14, and a very small section within the 100ft buffer. Ms. White stated that she agreed with the changes, but suggested clarifying where the coastal bank begins and ends. Mr. Schutz said he would be able to delineate the bottom of the coastal bank.

Mr. Butcher asked for more clarification where the buffer zone is. Mr. Schultz explained there is a small square on the plan that represents the 100ft buffer. Mr. Butcher requested a note be added to the plan which reflects the fact that with the exception of a small area of the site, the entire site is located within 100ft of one or more buffer areas. Mr. Schultz agreed.

Mr. Butcher made a motion to accept the ANRAD plan dated February 20, 2024, as amended with the bottom of the coastal bank depicted and a note about the buffer zone, to close the Public Hearing and write an ORAD for SE18-2068. Mr. McGonagle seconded and the motion passed 4 to 0.

Property owner Ms. Bylo shared that she has retained counsel because she does not support the Husk's farming.

Mr. Schutz agreed to submit the Notice of Intent by March 12th with all current and future activities included.

PUBLIC HEARING: NOTICE OF INTENT; KILLEEN/SEACOAST ENGINEERING; 7 SPRING STREET; PIER.

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SE18-2076

Robb D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Paul Brogna, Seacoast Engineering, presented the project for the owners, Matthew Killeen and Jennifer Berg, which consists of 135ft of a residential pier, gangway, and float in the centerline of the resource area and velocity area. A Chapter 91 license and Army Corp of Engineers permit is required.

Ms. Rufo stated she visited the site and she agreed with the project as presented.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2076. The motion passed 4 to 0.

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

SE18-2073

Mr. D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Nicholas Leing, Grady Consulting, presented the revised plan (dated 2.26.2024) on behalf of the applicant, Paul Maitino. Plantings were added along the East fence and the garage footprint was modified. The existing driveway will be reduced to stay beneath the 15% threshold. Currently the project is at 14.9%.

Ms. Rufo stated she agrees with the project as presented.

Mr. Butcher encouraged Mr. Leing to stay within the 15% coverage limit because anything additional will be need to be ripped up.

Abutter Tim McKinney (31 Hicks Point) asked about the existing fence on the West and Mr. Leing responded that they are keeping it as is.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2073. The motion passed 4 to 0.

PUBLIC HEARING; NOTICE OF INTENT; DITCH DIGGER LLC/GRADY CONSULTING; 403 WASHINGTON STREET; DREDGING.

SE18-2074

Mr. D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Nicholas Leing, Grady Consulting, presented the plan for the applicant, Ditch Digger, which consists of maintaining a 3:1 slope and dredging a 20ft area to a depth of -8ft behind Island Creek Oysters. This is a re-request to open a previously approved project that never started. The Army Corp. of Engineers still needs to review the project.

Ms. Rufo agreed with the project as presented.

Ms. Morris asked where the dredge spoils are going and Mr. Leing stated that there is a disposal site in Cape Cod Bay picked out. Mr. Leing confirmed the dredged material will be placed on barges.

Mr. Butcher asked how much material is being removed and Mr. Leing responded 2,000 cubic yards.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-2074. The motion passed 4 to 0.

**PUBLIC MEETING; REQUEST FOR DETERMINATION OF APPLICABILITY;
CARMICHAEL/SOUTH SHORE SURVEY CONSULTANTS; 0 PILGRIM BYWAY; DRIVEWAY.**

The quorum for this meeting is Sam Butcher, Robb D'Ambruoso, Mickey McGonagle, and Holly Morris.

Mr. D'Ambruoso opened the Public Meeting by reading the legal notice into the record. The applicant, Mark Casey of South Shore Survey, presented the RDA, which consists of a 12ft driveway. Portions of the proposed project occur within the buffer zone to Bordering Vegetated Wetlands. Mr. Casey noted the Town created a leach pit on the property. When that failed, the Town created a hole in the cape cod berm and diverted water onto the property. Mr. Casey has offered Shelia Sgarzi of DPW an easement for drainage.

Ms. Rufo reported that she visited the site. Prior to the meeting, she received additional information from the planning department that the lot line was moved without planning board approval. The planning department has sent the information to KP Law to review.

Mr. Butcher stated he was not in agreement with Mr. Casey's delineations and stormwater calculations. Discussion followed and Mr. Casey suggested to continue the meeting. The members agreed to visit the site.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to continue the Public Meeting for 0 Pilgrim Byway to April 9, 2024 at 7:00 p.m. The motion passed 4 to 0.

**CONTINUED PUBLIC HEARING: NOTICE OF INTENT, WALSH/CROWELL ENGINEERING; 50
RAILROAD AVENUE, SITE PREPARATION FOR 40B DEVELOPMENT.
SE18-2059**

The quorum for this hearing is Sam Butcher, Robb D'Ambruoso, Mickey McGonagle, and Holly Morris.

There is an ongoing dispute regarding the onsite Wetland Resource Area stream designations. Applicant, Mathew Walsh, presented the project to date. The site plan presented (dated 2/20/2024) includes the stream in question. Brad Holmes, Environmental Consulting and Restoration (ECR), discussed his memo dated February 22, 2024 that included the ORAD and 2017 wetland delineation for 136 and 138 Alden Street. Mr. Holmes also presented the intermittent stream bottom centerline profile and stated that the topography is not aligned with a riffle system. Mr. Casey stated that he helped design the Sealund subdivision pre and post drainage analysis and peak flow using Cornell calculations.

Lenore White, Wetland Strategies, Inc. (WSI), Peer Reviewer to the Commission, presented on the drought status from September 2017, three main geomorphic channel units (pool, riffle, run), and an image from November 2023 on the stream in question. Ms. White stated that Streamstats is not reliable because water is coming from the ground, the pools are part of a riverine, and there is an impoundment on the stream.

Ms. Morris stated she went out to the site and observed pools and a possible perennial stream running. Mr. Morris reported fallen trees and branches may be impeding water flow and she is concerned the upstream development has impacted the stream.

Mr. McGonagle stated there are opposing points of views and he is convinced it is perennial. Mr. Holmes stated he has never seen an intermittent stream above a perennial stream. Amy Kwessel,

Town Counsel, explained that the Zoning Board of Appeals approved one waiver for section 23.3. Given that two other waivers were denied, the plan needs to be modified. Mr. D'Ambruoso shared he thought the stream is intermittent.

Mr. Holmes suggested the applicant file a Request for Determination on the stream status. It was agreed that the new RDA will be submitted for the next meeting on March 12th.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to continue the Public Hearing for 50 Railroad Ave to April 9, 2024 at 7:10 p.m. The motion passed 4 to 0.

PUBLIC HEARING; AMENDED ORDER OF CONDITIONS; DUXBURY BEACH RESERVATION/WOODS HOLE GROUP; 0 DUXBURY BEACH HIGH PINES/ EXPANDED BAYSIDE EROSION CONTROL. SE18-1954.

Mr. D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Adam Finkle, Woodshole Group, presented the amendment on behalf of the applicant, Duxbury Beach Reservation, which consists of an expanded bayside mixed sand and cobble nourishment project and stormwater infiltration swales in the parking lot. The first component is approximately 1,000 tons or 700 cubic yards of sand and cobble nourishment for the bayside dune. All material will be placed above the high tide line and the primary access point to the bay will remain. The other pathways will be filled in. The second component entails stormwater infiltration swales to help reduce erosion from upland. Based on the parking lot watershed topography, the water currently pitches to the gatehouse and that may be remedied with some grinding or a light top coat of asphalt. The sand meridian will be eliminated and there will be a new traffic pattern on Gurnet Road.

Brynna McGlathery, Duxbury Beach Reservation Assistant Director, stated that they are looking to complete the work prior to April 1st and asked if Duxbury Construction can begin to mobilize. Ms. Rufo agreed with the project as presented and explained that work can begin 10 days after orders are issued.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-1954. The motion passed 4 to 0.

PUBLIC HEARING; NOTICE OF INTENT; MARSHFIELD COUNTRY CLUB/MORSE ENGINEERING; 0 ACORN STREET; NEW BUILDING, SEPTIC SYSTEM, AND GRADING SE18-2075

Mr. D'Ambruoso opened the Public Hearing by reading the legal notice into the record. Greg Morse, Morse Engineering, presented the project on behalf of the applicant, Marshfield Country Club, which consists of a new bathroom on the driving range. The wetlands delineation was completed by John Zimmer. The pipe from the septic to the building will be in the buffer. MA Division of Wildlife and Fisheries determined the work results in a no-take. Mass DEP had no comments.

Ms. Rufo visited the site and agrees with the project as presented.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to close the Public Hearing and write an Order of Conditions for SE18-1975. The motion passed 4 to 0.

OPEN FORUM: Mr. McGonagle asked if the cranberry bogs generated any money and where that money went.

NEW BUSINESS:

158 Marshall Street violation update – planting plan and NOI (after the fact): Manny Weiss presented his planting plan to add marsh grass. Mr. Weiss stated he is aiming to put the plantings in by April and will inform Ms. Rufo of when the plantings are complete.

160 Marshall update (revise NOI submission deadline): Mr. Schutz agreed to submit the NOI to Conversation by March 12.

ADMINISTRATIVE MATTERS:

Minutes for Approval: Regular Session minutes of January 23, 2024.

Mr. Butcher made a motion, seconded by Mr. McGonagle, to approve the Regular Session Minutes of January 23, 2024. The motion passed 4 to 0.

Extension of Permit:

SE18-1954 Duxbury Beach Reservation; 0 Duxbury Beach High Pines, 335 & 435 Gurnet Road; beach and dune nourishment and bayside erosion control

(Issue date 4/1/2021; original expiration 4/1/2024; request to extend to 4/1/2027)

Ms. Rufo recommended issuing a permit extension for SE18-1954. On a motion by Mr. Butcher, seconded by Mr. McGonagle, it was voted 4 to 0 to issue an extension from April 1, 2024 to April 1, 2027.

SE18-1959 Duxbury Beach Reservation; 0 Duxbury Beach High Pines; roadway resiliency improvements

(Issue date 5/12/2021; original expiration 5/12/2024; request to extend to 5/12/2027)

Ms. Rufo recommended issuing a permit extension for SE18-1959. On a motion by Mr. Butcher, seconded by Mr. McGonagle, it was voted 4 to 0 to issue an extension from May 12, 2024 to May 12, 2027.

SE18-1953 Water and Wetland; 230 Marshall Street; Aquatic management

(Issue date 3/30/2021; original expiration 3/30/2024; request to extend to 3/30/2027)

Ms. Rufo recommended issuing a permit extension for SE18-1953. On a motion by Mr. Butcher, seconded by Ms. Morris, it was voted 4 to 0 to issue an extension from March 30, 2024 to March 30, 2027.

Conservation Fund Expenditures:

Armstrong Fence: \$1,573.14 to replace damaged swing gate on Mayflower Street: On a motion by Mr. Butcher, seconded by Mr. McGonagle, it was voted 4 to 0 to approve \$1,573.14 to replace the damaged swing gate on Mayflower Street.

Armstrong Fence: \$2,746.73 to replace damaged swing gate on Hatches Bar Road: On a motion by Mr. Butcher, seconded by Mr. McGonagle, it was voted 4 to 0 to approve \$2,746.73 to replace the damaged swing gate on Hatches Bar Road.

Conservation Area Parking Discussion: Ms. Rufo asked the Commissioners for their thoughts on parking for the fresh fruit bog on Ricker property. There is a concern about dogs contaminating the fresh fruit bogs. Mr. McGonagle stated parking isn't good at Ricker but there is suitable parking along Mayflower. Ms. Morris and Mr. D'Ambruoso expressed interest in having parking and allowing access.

ADJOURN: At 9:45 p.m. Mr. Butcher made a motion, seconded by Mr. McGonagle, to adjourn the meeting. The motion passed 4 to 0.

The next Conservation Commission meeting is scheduled for Tuesday, March 12, 2024 at 7:00 p.m. in the Mural Room.