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DUXBURY, MASS.

Town of Duxbury

Conservation Commission

Minutes of February 11, 2014

The Conservation Commission met on Tuesday, February 11, 2014 at 7:00 PM in the Setter Room at the Duxbury Free Library.

Members Present: Joe Messina, Chair; Thomas Gill, Vice-Chair; Dianne Hearn; Barbara Kelley, Holly Morris

Members Absent: Samuel Butcher; Corey Wisneski

Staff Present: Joe Grady, Conservation Administrator; Susan Ossoff, Administrative Assistant

The meeting was called to order by Chairman Joe Messina at 7:00 PM.

ADMINISTRATIVE MATTERS:

Minutes: On a motion by Ms. Morris, seconded by Ms. Kelley, it was unanimously voted 5-0 to approve the minutes of January 14, 2014 with the following change: correct the spelling of Sam Butcher's name under the Public Hearing for SE18-1661.

On a motion by Ms. Morris, seconded by Ms. Kelley, it was unanimously voted 5-0 to approve the minutes of January 28, 2014 with the following change: correct the spelling of Sam Butcher's name under the Public Hearing for SE18-1663.

BYLAW DISCUSSION: SANDRA MACFARLANE

Sandra Macfarlane of Coastal Resource Specialists was introduced by Joe Grady. Her background is as a shellfish specialist and in aquaculture; she is a retired Conservation Agent from Orleans and a new resident to Duxbury. She did a presentation about ways to strengthen the Town's rules and regulations for docks and piers.

Ms. Macfarlane explained that options to better control docks and piers are to beef up local regulations, work with the Planning Board for changes in zoning bylaws, or to develop an area-wide management plan. She favors the latter and believes the best approach is to define attributes of segments of the bay by biological, physical, and human use factors. Ms. MacFarlane worked on a resource management plan for Pleasant Bay, Cape Cod and reviewed the methodology used in developing that plan.

Ms. Morris asked if other towns have used this approach and how long it would take to do the plan. Ms. Macfarlane explained that other towns have beefed up their local regulations, but that few used an area management type of plan. She added that it would take an estimated 1-2 years to develop an area-wide management plan. Dr. Gill asked about the role of precedent in enforcing the law and what happens when local bylaws such as these are appealed to the State which does not have the same regulations. Ms. Macfarlane explained that the bylaw itself would state that precedent doesn't apply and that each application is considered on its own merit. She

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

further suggested that the criteria used in the area-wide plan could be part of a Bylaw passed at Town Meeting, after which the Conservation Commission can vote regulations based on these criteria.

**CONTINUANCE OF PUBLIC HEARING, SAN MARCO, 48 GRANDVIEW, PIER; 7:10 PM
DEP FILE SE18-1636**

A quorum was not present for this hearing. On a motion by Ms. Kelley, seconded by Mr. Messina, it was unanimously voted 5-0 to continue the hearing on SE-18 1636 until March 18 at 7:05 PM.

DUXBURY BEACH RESERVATION, Inc.

At 7:40 PM Joe Grady left the meeting.

Al Vautrinot, Ned Lawson, and Andre Martecchini were present to represent the Duxbury Beach Reservation.

Report of Work Done in 2013

Mr. Vautrinot reviewed the report dated 11/30/2013 of last year's work by the Reservation. Over 1 million dollars was spent to rebuild sacrificial dunes following the blizzard in February; and approximately half a mile of the road needed to be relocated. The Plover hatch rate was high and required closure of the beach for a month. The electric pole to the guard shack was destroyed and was replaced with a solar array to provide power. Over 6 miles of fence was replaced. An application for a FEMA grant has been submitted for reimbursement of a portion of the 1 million dollars; the reimbursement should it qualify would be at the rate of 75%.

Modification of Management Plan

The Reservation in response to concerns over rising sea levels is developing a plan to raise the level of the beach by 2.8'. The Reservation is requesting approval by the Conservation Commission to modify the language at the end of Section 6.3.3 of the Duxbury Beach Management and Habitat Conservation Plan to add the following paragraphs:

Since the original parameters for sacrificial dune construction were developed in the early 1990s, it is becoming increasingly apparent that sea level is rising and storms are intensifying. The July 18, 2013 Sea Level Rise Study prepared for the Towns of Marshfield, Duxbury and Scituate, Ma. by Kleinfelder Northeast, Inc. has predicted that sea level at Duxbury Beach could rise by 2.8 feet by 2063.

In response to the probability of higher sea level, whenever practical the Reservation will construct the peak of the sacrificial dunes higher than 16.00 NGVD so as to be able to withstand future storms with a 5-year return frequency. The front and back slopes of the dune will remain at 10:1 and 6:1, respectively.

Ms. Morris asked about the possibility of putting dredged material on the beach; Mr. Vautrinot replied that the material is not compatible. Mr. Lawson added that it is very expensive to dredge, drain, move and reuse this material.

On a motion by Dr. Gill, seconded by Ms. Morris, it was unanimously voted 5-0 to accept the addition of the proposed language to Section 6.3.3 of the Duxbury Beach Management and Habitat Conservation Plan.

Proposed schedule of activities for 2014

In a letter dated January 21, 2014, the Duxbury Beach Reservation Inc., in accordance with the Order of Conditions issued for SE 18-1198, submitted their 2014 schedule of activities. This list contains only work that is done on a regular basis each year. Some representatives of the Reservation and Mr. Grady plan to meet with Carolyn Mostello from the Natural Heritage and Endangered Species Program including a beach visit on Wednesday, February 12. On a motion by Dr. Gill, seconded by Mr. Messina, the Commission unanimously voted 5-0 to approve the Duxbury Beach Reservation Inc. letter detailing the schedule of activities for 2014 dated January 21, 2104 pending approval from the Natural Heritage and Endangered Species Program.

Adjournment: On a motion by Dr. Gill, seconded by Ms. Morris, it was unanimously voted 5-0 to adjourn the meeting at 8:10 PM.

Next Meeting Date: Tuesday, February 25

Respectfully Submitted,
Susan Ossoff