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TOWN CLERK

Town of Duxbury
Conservation Commission

2021 DEC -1 AM 11:31

DUXBURY, MASS.

Executive Session Minutes of May 31, 2016

Mural Room, Duxbury Town Hall

Members Present: Chairman Corey Wisneski; John Brawley; Sam Butcher; Robb D'Ambruoso; Tom Gill; Dianne Hearn; Holly Morris

Members Absent: John Brawley

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

Sam Butcher made the following motion: I move we go into Executive Session for the purpose of discussing strategy with respect to pending litigation since an open meeting may have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session. The motion was seconded by Dianne Hearn. Roll call vote: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Dianne Hearn, yes; Holly Morris, yes.

EXECUTIVE SESSION

Joe Grady reported that the Department of Environmental Protection somewhat surprisingly issued superseding Orders of Conditions for the McLaughlin pier with little explanation given for the decision to issue these Orders. The Commission has 10 business days to decide on its response. Joe Grady spoke with special counsel Mark Bobrowski who recommended the Commission appeal this decision.

The Orders issued under the State Wetlands Protection Act was appealed by the applicant; the Superseding Orders have now been issued. The Orders issued under the Town bylaw were also appealed by the Applicant to the Superior Court on the basis of both the regulations and also on the procedure, arguing that the Orders were not appropriately issued within 21 days; this part is being handled by the Town's insurer.

The Commission discussed the basis for their denial of Orders of Conditions for the project.

On a motion by Sam Butcher, seconded by Tom Gill, it was voted 4-1-0 to appeal the superseding Orders issued by the DEP. The Roll call vote was: Corey Wisneski, no; Sam Butcher, yes; Tom Gill, yes; Dianne Hearn, yes; Holly Morris, yes.

At 7:20, Sam Butcher made a motion to leave Executive Session; this motion was seconded by Holly Morris. Roll call vote: Corey Wisneski, yes; Sam Butcher, yes; Tom Gill, yes; Dianne Hearn, yes; Holly Morris, yes.

At 7:21, Sam Butcher made a motion to adjourn the meeting, this was seconded by Corey Wisneski and voted 5-0-0.