



Approved 4/10/2018
Voted to release 12/1/2021
TOWN CLERK

Town of Duxbury Conservation Commission

2021 DEC -1 AM 11:32
DUXBURY, MASS.

Executive Session Minutes of December 5, 2017

The Executive Session began at 8:15 pm during the Tuesday, December 5, 2017 Conservation Commission meeting that began at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Corey Wisneski; Sam Butcher; Robb D'Ambruoso; Tom Gill; Mickey McGonagle; Holly Morris

Members Absent: Scott Zoltowski

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

Joe Grady explained he wanted to review offers to donate two properties from the Duxbury Rural & Historical Society (DR&H).

Sam Butcher recused himself from the discussion as a member of the DR&H Society.

One parcel is near the Powder Point bridge, close to other holdings of the Commission. The second parcel is the back side of the barrier beach by Pine Point. Joe Grady recommends the acceptance of both parcels as gifts.

Robb D'Ambruoso made the following motion: To accept the gift of 2.18 acres of and on Pine point off Gurnet Road, Assessor's Property ID 141-404-941, from the Duxbury Rural & Historical Society for Open Space Purposes. The motion was seconded by Tom Gill. The Roll Call Vote was: Corey Wisneski, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes. The motion passed by a vote of 5-0-0.

Robb D'Ambruoso made the following motion: To accept the gift of 5.0 acres of land known as 'Hewitt Marsh' just north of Abrams Hill, Assessor's Property ID 115-404-078, from the Duxbury Rural & Historical Society for Open Space Purposes. The motion was seconded by Tom Gill. The Roll Call Vote was: Corey Wisneski, yes; Robb D'Ambruoso, yes; Tom Gill, yes; Mickey McGonagle, yes; Holly Morris, yes. The motion passed by a vote of 5-0-0.

Joe Grady asked that the Commission sign a signature page regarding the Starr land donation that was already voted by the Commission; this will be going to Town Meeting as a friendly taking by eminent domain.

Joe Grady updated the Commission on the McLaughlin case which was recently heard by the District Court. The Town was represented by Evan Ouelette who was hired by the Town's insurance carrier because there were accusations of civil rights violations. Joe Grady attended the hearing. At issue was the 21-day time frame for issuing of the Orders of Conditions; he felt the judge was sympathetic to the Commission but based on the facts he believes the judge will not likely rule in favor of the Town.

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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.

CONSERVATION MINUTES

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Corey Wisneski said the Town can choose to appeal the decision should the Town lose on the 21-day issue, and can also appeal DEP's superseding orders on the wetlands issues; the Town Manager wants to know the Commission's feelings about the appeals. Joe Grady recommended having the Town's new Town Counsel read the bylaw and get his opinion on the chance of success of appealing the 21-day issue, and what the possible costs might be. The judge has not yet issued his decision. There was general consensus by the Commissioners that if Town Counsel thinks an appeal of the 21-day issue is unlikely to succeed, they prefer not to pursue it.

Robb D'Ambruoso made a motion to leave Executive Session and reconvene in Open Session to adjourn the meeting; this motion was seconded by Tom Gill. Roll call vote: Corey Wisneski, yes; Sam Butcher, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Holly Morris, yes. The motion passed by a vote of 6-0-0.