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TOWN CLERK

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Town of Duxbury

Conservation Commission

DUXBURY, MASS.

Executive Session Minutes of January 26, 2021

The Executive Session began at 7:00 pm during the Tuesday, January 26, 2021 Conservation Commission meeting that began at 7:00 pm by Zoom remote videoconference.

Members Present: Corey Wisneski, Chair; Robb D'Ambruoso, Vice-Chair; Sam Butcher; Holly Morris; Mickey McGonagle; Scott Zoltowski

Members Absent: Tom Gill

Staff Present: Joe Grady, Conservation Administrator; Catherine Colliton, Administrative Assistant

Guests: Amy Kwesell, KP Law, Town Counsel; Lenore White, Wetland Strategies, consultant to the Commission; Pat Loring

Executive Session was called to order at 7:05 p.m.

Corey Wisneski read the following: Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members

Corey Wisneski moved that the Commission go into Executive Session.

Corey Wisneski read the following statement: "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. As Chair, I declare that the necessity for an Executive Session is due to the confidential nature of discussions pertaining to litigation."

The motion was seconded by Holly Morris. The roll call vote was: Scott Zoltowski, yes; Sam Butcher, yes; Holly Morris, yes; Robb D'Ambruoso, yes; Mickey McGonagle, yes; Corey Wisneski, yes. The motion carried by a vote of 6 to 0.

Discussion centered on the Enforcement Order and pending law suit for a project at 234 Gurnet Road. A new house was permitted under a SE18-1867 Order of Conditions ("OOC"). During an inspection, the house was found to be in non-compliance with the Orders of Conditions and the Plan of Record. No authorization had been given for the changes. The new house is sited on the old house footprint, however the cantilevered decks are non-compliant because they are within 35 feet of the saltmarsh and were not permitted in the OOC and were not shown on the approved plan. Section 23.9 of the Duxbury Wetland Bylaw states no structures shall be located within 35 feet of a wetland. A new Notice of Intent (SE18-1934) was filed for the after-the-fact decks which will be heard tonight.

878 Tremont Street, Duxbury, MA 02332; Telephone: 781-934-1100 x 5471; Fax: 781-934-1137

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.

Executive Session was adjourned at 7:35 p.m. on a motion by Holly Morris, seconded by Sam Butcher. Motion passed unanimously on a roll call vote: Robb D'Ambruoso, yes; Sam Butcher, yes; Holly Morris, yes; Mickey McGonagle, yes; Scott Zoltowski, yes; Corey Wisneski, yes. Motion carried 6 to 0.