

LUNENBURG PLANNING BOARD

TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
Joanna L. Bilotta, Vice-Chair
Thomas W. Bodkin, Jr., Ck.
Robert J. Saiia, Mbr.
Nathan J. Lockwood, Mbr.
Marion M. Benson, Planning Director



Tel: (978) 582-4147
Fax: (978) 582-4353
960 Massachusetts Avenue
Lunenburg, MA 01462

Minutes
Executive Session
September 13, 2010

JAB *EBB*
[Handwritten signatures]

Chair requested executive session at 8:30 PM for discussion of litigation process with O'Brien Homes. Motion, Ms. Bilotta, Second, Mr. Lockwood. Roll Call vote to proceed; Mr. Bodkin Jr., aye, Ms. Bilotta, aye, Mr. Bakaysa, aye, Mr. Saiia, aye, Mr. Lockwood, aye.

Discussion: Chair asked for inquiry into Litigation status. Director reached Town Counsel. Chair conversed telephonically with Town Counsel Attorney Joel Bard. Chair reported that Attorney Bard was having difficulty researching case law regarding the applicant's request. Applicant wants assurances that he is still entitled to 40,000 square foot lots. Conversations between Town Counsel and Applicant's Counsel have been regarding methodology of a submittal to gain the number of lots desired by the applicant and still fulfill compliances.

Discussion ensued with mixed reactions. One reaction is that the Planning Board won in court the most important count acceptable by law, that is, Section 5.6 is a legal bylaw. This begs the question why the Planning Board has to negotiate anything. Another reaction is the possibility that the applicant might appeal the court's decision, which would be costly to the Town.

The consensus following the above and other discussions is to wait until Town Counsel's research is concluded and a submittal is presented to the Board.

Motion made to adjourn at 9:00 PM, Ms. Bilotta, Second, Mr. Bodkin Jr., roll call vote Mr. Bodkin Jr., aye, Ms. Bilotta, aye, Mr. Bakaysa, aye, Mr. Saiia, aye, Mr. Lockwood, aye.

Minutes/executive 2010/9-13-10