

# **LUNENBURG PLANNING BOARD**

## **TOWN OF LUNENBURG**

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



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*EBB*  
*MJR*

Minutes  
Executive Session  
June 14, 2010

Time: 8:47 PM

Chair called for Executive Session for purpose of litigation discussion and not to return to general session. Roll call vote, Mr. Bodkin Jr., aye; Mr. Lockwood, aye; Mr. Bakaysa aye. Ms. Bilotta and Mr. Saiia absent.

June 3, 2010 correspondence, Attorney Tillotson, Hemenway & Barnes LLP (legal firm representing Kevin O'Brien), re: Aro Estates, Lunenburg; Offer of Settlement., to Kopelman and Paige, P.C., Town Counsel.

Members were given copies of the correspondence which included a Proposed Phasing Plan. This Plan showed the original plan, but marked off approximately 31.5 acres for open space.

Four playground areas are located in the back of four lots.

The Plan also shows 21 lots on 23.9 acres on property formerly known as Levite's property.

The aforementioned correspondence is on file in the Planning Office.

Discussion: The Board felt there was little difference from this submitted Plan to the original plan. The Proposed Phasing Plan showed the development would continue from Phase 1 through Phase 9.

The Board decided to pursue an avenue of a counter-offer. Mr. O'Brien is asking for 21 lots presently in his settlement offer. The Board will counter-offer with a number not to exceed 50 lots. Motion made, Mr. Bodkin Jr., to offer Mr. O'Brien for development on the 189 acres as submitted as Aro Estates, not to exceed 50 units, Second, Mr. Lockwood, Roll Call Vote, Mr. Bakaysa, aye; Mr. Lockwood, aye; Mr. Bodkin Jr. aye. Motion passed.

Mr. Bakaysa will talk to the Select Board Chair and Town Manager. A response will be given to Attorney Winner, Kopelman and Paige, to convey to Attorney Tillotson, Hemenway and Barnes.

Planning Director made statement that she was apprehensive about this offer to settle. Response was that it was so noted.

The other item addressed in correspondence from Attorney Tillotson, Hemenway and Barnes concerning the possible development of Phase 1, requesting an advisory opinion as the legal effects of a potential new application was not necessary for response as stated by Attorney Winner, Kopelman and Paige.

Mr. Bakaysa asked for Motion to adjourn Executive Session at 9:45 PM. Motion, Mr. Bodkin Jr., Second, Mr. Lockwood, Roll Call Vote, Mr. Bakaysa, aye; Mr. Lockwood, aye; Mr. Bodkin Jr., aye.