

LUNENBURG PLANNING BOARD

TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
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Minutes Executive Session December 13, 2010

Chair requested executive session at 8:35 PM for discussion of O'Brien Homes litigation. Motion, Ms. Bilotta, Second, Mr. Bodkin Jr., roll call vote, Ms. Bilotta, aye; Mr. Saiia, aye; Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Mr. Bakaysa, aye.

Chair opened Executive Session, requesting Director to read Kopelman and Paige letter dated November 22, 2010, received in the Planning Office November 23, 2010. Letter on file in Planning Office. Content of letter noted that Attorney Joel Bard and applicant's attorney Dianne Tillotson appeared before Judge Keith Long for a status conference. Noted was that the applicant was working on a development plan that would comply to Section 5.6. of the Lunenburg Bylaw. The Planning Board has not yet seen said plan. Due to the holidays the Judge scheduled another telephonic status conference for January 31, 2011.

Discussion ensued by the Board noting the need for clarification of the status of the case. The Board is seeking the status of Counts 1 and 3 and the relevance of Counts 1 and 3 in regards to Count 2. The Court ruled the validity of Section 5.6 of the bylaw, which the Board considers the major part of the suit. The Board is seeking Counsel's opinion as to the direction this litigation is taking. Questions posed were the grandfathering aspect of the site, appeals, and the effect of the Broken Stone case at this point in time of the "litigation".

Board requested that the Director contact Counsel and set up an Executive Session conference call for 6:30 PM, January 10, 2011. The call will be held in the Planning Board Conference Room as part of the regularly scheduled Planning Board Meeting.

Chair request Motion to adjourn at 9:05 PM. Motion to adjourn, Mr. Lockwood, Second, Ms. Bilotta, Motion passed.

Minutes/executive 2010/executive 12-13-10