

# **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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Minutes  
Executive Session  
November 9, 2009

A collection of handwritten signatures in black ink, including what appears to be "E.R.B.", "J.L.B.", "T.W.B.", "R.J.S.", "N.J.L.", and "M.M.B.".

Time: 7:08 PM

Vote to open Executive Session, Motion, Ms. Bilotta, Second, Mr. Saiia. Roll call vote- Mr. Bodkin Jr., aye; Ms. Bilotta, aye; Mr. Saiia, aye; Mr. Lockwood, aye; Mr. Bakaysa aye; Motion passed.

Discussion: October 28, 2009 deposition of Planning Director at office of Attorney Dianne C. Tillotson, Hemenway & Barnes, LLP, 60 State Street, Boston, MA 02109-1899.

Director and Vice Chair Ms. Bilotta gave a brief summary of questions posed. Noted were personnel questions and questions concerning Carol Thomas, Thomas Planning Services Inc. Deposition time was from 10:15 AM to 4:15 PM with half hour break. Short meeting followed.

Noted was a second session for deposing Director, which is scheduled for November 19<sup>th</sup> in Lunenburg.

Also noted was a question from Attorney Tillotson after conferencing with Mr. O'Brien. The inquiry was, if an applicant could submit multiple individual parcels of less than 25 acres and avoid the open space component under Bylaw Section 5.6. The Director reported her answer was that the question was posed several years ago and Town Counsel replied affirmative. The submittals would be under Chapter 41 and not the Bylaw.

Further discussion was on the length of Deposition. It was suggested that the Director refuse to be further deposed following the second session. A member proposed that the Planning Board reconcile with Mr. O'Brien to work out a solution for his proposed project. Noted was the cost factor for this lawsuit. Director noted concern for the integrity of the Zoning Bylaw. Director stated that since this lawsuit is brought on by Mr. O'Brien, and is under the Direction of Town Counsel, begs the question if the Planning Board has the authority to intervene.

The Chair did not pursue the discussion further and Motion was made by Ms. Bilotta, to close the Executive Session. Second, Mr. Saiia, Motion passed. Roll call vote- Mr. Bodkin Jr., aye; Ms. Bilotta, aye; Mr. Saiia, aye; Mr. Lockwood, aye; Mr. Bakaysa, aye.

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