

TOWN OF LUNENBURG
Office of the Planning Board

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Matthew Allison, Vice Chair
Kenneth Chenis, Clerk
David Prokowiew, Mbr.
Tanner Cole, Mbr.



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Adam R. Burney
Land Use Director

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Minutes
Executive Session
June 25, 2018

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 9:10 PM

Present: Gregory Bittner, Matthew Allison, Kenneth Chenis, David Prokowiew, Tanner Cole, Adam R. Burney
Also Present: Town Counsel Adam Costa

Board Chair requested a Motion to enter Executive Session pursuant to G.L. c. 30A, § 21, to discuss strategy with respect to litigation, namely Town of Lunenburg v. Settlers Solar, et al., Worcester Superior Court Docket No. 1785CV01959-D, and Settlers Solar, LLC, et al. v. Town of Lunenburg, et al., Land Court Docket No. 17 MISC 000690 (HPS), where an open meeting may have a detrimental effect on the litigating position of the Town, not to enter back into Regular Session. Kenneth Chenis Made the Motion to enter Executive Session, Seconded by David Prokowiew, Roll Call Vote, T. Cole, aye, D. Prokowiew, aye, K. Chenis, aye, M. Allison, aye, G. Bittner, aye.

For the benefit of the new Board member, A. Costa provided a short summary of actions to date.

The plaintiffs have explored some options and believe they can get the Board the fifty (50') feet of vegetation along the westerly side, but that little can be done in the area of the detention basins (would require re-engineering of the site). A. Costa presented the Board with a copy of the plans that were originally rejected by the Board along with edits provided by the applicant subsequent to the last mediation session. Edits show fifty (50') feet of buffer, except for around the detention basins. Panels have been placed adjacent to the golf course property to replace some of the panels lost due to the buffering on the westerly side.

D. Prokowiew asserted that the plaintiffs did not come back with what the Board asked for, e.g., landscape plan. One of the items in the Contingent Settlement Agreement from March 2018 was a "tree fund", which would be used to fund tree installation on properties on the southwesterly and westerly sides of the site as determined by the Planning Board. D. Prokowiew felt that the plaintiffs did not follow through with this request.

A. Costa noted that the plaintiffs started with a plan that was unacceptable, went to mediation, got the Board a plan that was better in concept, and have now made further edits which the Board is viewing tonight. A. Costa asked if the current concept is considered acceptable to the Board. The Board denied the project based on certain issues; have those issues been addressed by the settlement that is currently on the table to the satisfaction of the Board? If litigation continues and the plaintiffs win, they will be able to build the project as originally proposed.

A. Costa is seeking a Board vote authorizing him to go back to the plaintiffs with the counteroffer of all edits made in red and pink, all items in the Contingent Settlement Agreement, including the conservation restriction, and a proposed increase to the tree fund.

D. Prokowiec made a Motion authorizing A. Costa to go back to the plaintiffs with a counteroffer to include not less than \$30,000 in the tree fund, all conditions negotiated in the red and pink drafts, and the Contingency Settlement Agreement, Seconded by M. Allison, roll call vote, K. Chenis, aye; M. Allison, aye; D. Prokowiec, aye; T. Cole, aye; G. Bittner, aye.

Adjourned 9:55 PM.

Documents used at Executive Session:

Settlers Solar Site Plan with revisions accommodating 3/27/18 Board request re buffering