

INITIALS _____

**LUNENBURG PLANNING BOARD
TOWN OF LUNENBURG**

Joanna L. Bilotta-Simeone, Chair
Nathan J. Lockwood, Vice-Chair
Damon McQuaid, Clk.
Emerick R. Bakaysa, Mbr.
Matthew Allison, Mbr.
Marion M. Benson, Planning Director



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960 Massachusetts Avenue
Lunenburg, MA 01462

Meeting Posted: Yes

Meeting Location: Town Hall, 17 Main Street, Lunenburg, Ma

Time: 6:30pm

Present: Joanna L. Bilotta-Simeone, Emerick R. Bakaysa, Nathan J. Lockwood, Damon McQuaid, Matthew Allison, Attorney Winner

EXECUTIVE SESSION: In accordance with M.G.L. Chapter 39 S23B(3) for the purpose of discussing strategy with respect to litigation of O'Brien homes Inc. vs. Town of Lunenburg if an open meeting may have a detrimental effect to the government's litigation position.

Attorney Winner has requested the executive session to present to the board findings in regards to the Aros farm property.

Abutters to the property have submitted testimony and photographs to suggest that Mr. Obrien has been clearing land, disturbing wetlands and constructing roads on the site without an approved subdivision plan.

Unfortunately Ms. Benson is absent due to illness and is not able to give a full presentation of these findings that were submitted to her.

General discussion followed as to what town by-laws may have been violated if these allegations are true. These infractions may include:

Rules and Regulations Governing the Subdivision of Land

Section 2.2.1 "No person shall make a subdivision within the meaning of the subdivision control law of any land within the town or proceed with the improvement for sale of lots in a subdivision or construction of ways or preparation therefore... unless and until a definitive plan of such subdivision has been submitted and approved by the planning board as hereinafter provided."

Section 4.6.1 "...Outside of street right-of-ways, no trees over fifteen (15) inch caliper measured at four (4) feet above the existing grade shall be removed or have the grade level surrounding the trunk altered by more than six (6) inches without approval of the planning board after its consultation with the conservation commission."

Section 5.1.6.3 “No earth shall be removed from areas shown on a definitive plan except in accordance with the approved plan.”

Section 5.13.2.4 “Drainage shall be maintained by the contractor during construction. Runoff shall be controlled and conveyed into storm sewers or other outlets so it will not erode the land or cause off-site damage.”

Protective Bylaw of the Town of Lunenburg

Section 6.7.2.1. “This regulation requires local review and approval of a storm water management plan for all development and redevelopment projects that disturb one (1) acre or more...”

The Board has requested that Attorney Winner draft a letter on behalf of the board to be submitted to Mr. Obrien stating that he cease a desist work on the site. The Board will review the letter and authorize Attorney Winner to forward it to Mr. Obrien pending a full presentation from Ms. Benson.

Motion approved to leave executive session and to enter into regular scheduled meeting 7:00pm.