

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
Joanna L. Bilotta-Simeone, 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 October 15, 2012

Meeting Posted: Yes

Place: Ritter Memorial Building, 960 Massachusetts Avenue, Lunenburg, MA 01462

Time: 6:30 PM

Present: Emerick R. Bakaysa, Joanna L. Bilotta-Simeone, Thomas W. Bodkin Jr., Robert J. Saiia, Nathan J. Lockwood

Absent: Marion M. Benson

Also Present: Joel Bard, Town Counsel

Board entered Executive Session for discussion with Town Counsel regarding the submittal of ten subdivisions titled Aro Estates 1 through Aro Estates 10 respectively.

The ten subdivisions total 135 building lots. There is no significant difference in this submittal as compared to the submittal of 2009, which violated the cluster bylaw. Chair Bakaysa is of the opinion that this is headed to court. Mr. Bodkin Jr. questioned whether it violates the "letter" or the "spirit" of the bylaw.

The submittals were viewed. Aro 1 and Aro 4 have frontage; the other eight proposed subdivisions do not. Other issues are the length of the dead end streets and that many of the subdivisions do not have access.

Attorney Bard questioned the timeframe on this submittal; has the applicant, Mr. O'Brien, submitted to the Planning Board soon enough following the court case to be valid for a zoning bylaw freeze or has too much time lapsed. Mr. O'Brien's lawyer proposed, under Declaratory Judgment, both parties disagree under Section 5.6. of the Zoning Bylaw and mutually agree to go to court. If the court states that the plan satisfies Section 5.6., then the Board and the applicant go to the next level of detail. The other option is to deny the submittal based on Section 5.6.

Mr. Bakaysa will schedule a joint meeting with the Board of Selectmen.

Attorney Bard will check into whether the price dropped on the Chapter Land; if so, the Town has another opportunity to purchase under Right of First Refusal.

Options are, 1) go to court immediately to resolve the status of the plan, 2) deny eight of the subdivisions; approve the two (Aro 1 and Aro 4) with frontage, but have them submitted separately and lose the "broken stone" protection, break it up and lose the plan, 3) deny all 10 subdivisions unless Mr. O'Brien submits individual plans.

Discussion ensued as to the question that if Mr. O'Brien built one subdivision, would that give frontage to the others.

Board discussed whether or not to waive the administrative fees for the ten submittals.