

DM

BOARD OF SELECTMEN
Executive Session Minutes
Joseph F. Bilotta Meeting Room, Town Hall
November 20, 2018

Board of Selectmen: Jamie Toale, Chairman; Robert Ebersole, Vice Chairman; Damon McQuaid, Clerk; Katey Adams, Member

Absent: Phyllis Luck, Member

Also present: Heather Lemieux, Town Manager; Adam Burney, Land Use Director

The meeting commenced at 8:40 p.m.

Ms. Lemieux reported Attorney Costa had informed her that Attorney Borenstein, who represents O'Brien Homes, would entertain a settlement agreement with the Town which would remove the bad faith claim, abdicate the appeal and remand the application back to the Planning Board.

He is seeking one representative of the Board of Selectmen and one from the Planning Board, preferably who was not involved in the initial decision.

Mr. Burney stated the Planning Board would have to hold a new hearing accepting that the ten separate subdivisions don't violate Section 250-5.6 (Cluster Development). Mr. Burney stated they can develop conventional subdivisions that rely on one another for access but the Planning Board would have to adjudicate that at a public hearing. He still needs to discuss the details further with Attorney Costa. Discussion ensued about possible scenarios for the subdivisions, setting a precedent and the Town's right to an appeal.

Motion: R. Ebersole

2nd: D. McQuaid

To authorize a member of the Board of Selectmen to work with a member of the Planning Board to discuss the opportunity for negotiations for settlement

Vote: Ms. Adams- aye, Mr. McQuaid- aye, Mr. Ebersole- aye, Mr. Toale- yes

Motion: R. Ebersole

2nd: D. McQuaid

That Jamie Toale be the Board's representative at the negotiations

Vote: Ms. Adams- aye, Mr. McQuaid- aye, Mr. Ebersole- aye, Mr. Toale- yes

Motion: R. Ebersole

2nd: D. McQuaid

To adjourn from Executive Session and not return to Open Session

Vote: Ms. Adams- aye, Mr. McQuaid- aye, Mr. Ebersole- aye, Mr. Toale- yes

The meeting adjourned at 8:58 p.m.

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager