



Approved 04/27/16

Town of Duxbury TOWN CLERK Massachusetts 2016 MAY 13 AM 9:47 Planning Board DUXBURY, MASS.

Executive Session Minutes 01/14/2013

The Planning Board met in Executive Session at the Duxbury Town Hall, Small Conference Room, on Monday, January 14, 2013.

Present: George Wadsworth, Chairman; Cynthia Ladd Fiorini, Clerk; John Bear, and Scott Casagrande.

Absent: Brian Glennon, Vice-Chairman; Josh Cutler and Jennifer Turcotte.

Staff: Thomas Broadrick, Planning Director; and Diane Grant, Administrative Assistant.

EXECUTIVE SESSION OPENED

MOTION: Ms. Ladd Fiorini made a motion to adjourn the Planning Board meeting Open Session and enter Executive Session for the purpose of discussing strategy with respect to litigation where an open meeting may have a detrimental effect on the litigating position of the Planning Board. Mr. Bear provided a second. Mr. Wadsworth agreed that Executive Session was called for.

VOTE: A roll call vote was taken, with members voting unanimously in favor of the motion (4-0).

Therefore, Open Session was adjourned and Executive Session opened at 8:53 PM.

MEETING MINUTES

MOTION: Ms. Ladd Fiorini made a motion, and Mr. Casagrande provided a second, to approve Executive Session minutes from December 10, 2012 as amended.

VOTE: The motion carried unanimously (4-0).

16 HOUNDS DITCH LANE / LILIENTHAL

Mr. Wadsworth reported that he had a discussion with Town Counsel's office, Anderson & Kreiger, LLP. There is no funding except for settlement costs. The plaintiff's attorney is away during January and wants no public hearing. Town Counsel's office says there must be a public hearing for any amendment to a special permit. Mr. Broadrick asked if the public hearing would be scheduled after an agreement has been reached, and Mr. Wadsworth confirmed that it would allow the abutters to know the settlement terms and a 20-day appeal process would apply. Mr. Bear suggested that Town Counsel should provide guidance on how this should proceed.

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

Mr. Wadsworth reported on the substance of the agreement so far:

- No holes in fences
- The property owners can do whatever they wish on the interior of the property
- The special permit conditions would be subject to a five-year limit (30-year timeframe currently)
- A new plan may be submitted
- No public hearing until both parties agree to terms
- No ability for the Planning Board to say no to any terms.

Mr. Bear asked if the Planning Board is going to allow Town Counsel to settle at any cost or should the Planning Board uphold the Zoning Bylaws. Mr. Wadsworth responded that he had spoken with Atty. Jon Witten, a resident who serves as Town Counsel for other municipalities. He stated that Mr. Witten told him that there is currently a shift toward Zoning Board of Appeals (ZBA) cases not being appealed, and that is what the Board of Selectmen wants in order to keep legal costs down. Legal fees are part of the Selectmen's budget, not the Planning Board or Zoning Board of Appeals. Mr. Bear noted that the Planning Board is no less elected than the Board of Selectmen and there are not a lot of lawsuits against the Planning Board. He stated that keeping Planning Board legal fees down is a false premise because currently the most costly lawsuits are through the Board of Selectmen. Mr. Casagrande noted that the Zoning Bylaw Review Committee (ZBRC) observed that many ZBA appeals have been remanded; therefore the ZBRC's attitude is why not resolve it so that it does not get remanded.

Mr. Wadsworth noted that the new Town Counsel is set up differently than before: there is a set rate charged to Town Counsel and the Planning Board can consult with Town Counsel at any time. Ms. Ladd Fiorini commented that this is a good development.

EXECUTIVE SESSION CLOSED

MOTION: Ms. Ladd Fiorini made a motion to close the Executive Session and adjourn the Planning Board meeting. Mr. Bear provided a second.

VOTE: A roll call vote was taken, with members voting unanimously in favor of the motion (4-0).

ADJOURNMENT

The Planning Board meeting adjourned at 9:17 PM. The next Planning Board meeting will take place on Monday, January 28, 2013 at 7:00 PM at the Duxbury Town Hall.

DOCUMENT REVIEWED

- Executive Session minutes dated 12/10/12 re: 16 Hounds Ditch Lane

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