



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 9/26/13

September 10, 2013

Planning Board Executive Session Minutes

Members present: Rick Leif, Chairman; George Pember, Theresa Capobianco, Michelle Gillespie, Leslie Harrison

Others present: Kathy Joubert, Town Planner; Fred Lonardo, Inspector of Buildings/Zoning Enforcement Officer

At 8:15pm George Pember moved the Board vote to enter into executive session pursuant to MGL Chapter 30A Section 21 Subsection 3 – Litigation – due to Chair’s determination that a discussion regarding this matter in an open meeting may have a detrimental effect on the position of the Board; Theresa Capobianco seconded the motion, the roll call vote was taken as follows:

Rick Leif “aye”

George Pember “aye”

Leslie Harrison “aye”

Theresa Capobianco “aye”

Michelle Gillespie “aye”

At the September 3, 2013 Planning Board meeting, a Board member requested an executive session be scheduled for the Board to discuss a possible appeal of the ZBA decision for 61-65 West Main Street.

Ms. Joubert explained to the Board the ZBA decision has not been drafted yet but expects the draft to be completed within the next two weeks. Once it has been signed by the ZBA Chairman and recorded with the Town Clerk, copies will be provided to the Planning Board. The Board was provided information from town counsel stating the Planning Board does not have the authority to pursue litigation on its own. The Board must request permission from the Board of Selectmen and Town Administrator to appeal another Boards’ decision.

A lengthy discussion was held regarding the merits of appealing another Boards’ decision and whether or not the ZBA reached a proper decision in their application of the minimum standards for granting a variance to allow twenty one-bedroom apartments.

In general, two members are opposed to pursuing any litigation against another Town board and three members are in favor of reviewing the minutes and decision before determining a course of action.

The Board decided to continue this discussion at an executive session on September 26, 2013 assuming the ZBA minutes pertaining to the public hearing for 61-65 West Main Street and the ZBA decision for 61-65 West Main Street have been completed and filed with the Town Clerk and the Planning Board has reviewed the material.

George Pember moved the Board vote to adjourn from executive session; Leslie Harrison seconded the motion, the roll call vote was taken as follows:

Rick Leif “aye”

George Pember “aye”

Leslie Harrison “aye”

Theresa Capobianco “aye”

Michelle Gillespie “aye”

Executive session adjourned to public meeting at 9:35pm.

Meeting adjourned at 9:35pm.