



ORLEANS TOWN CLERK

*K. J. Asst*

14 OCT 28 2:13PM

## **PLANNING BOARD**

**April 27, 2010 – Executive Session Minutes**

An Executive Session meeting of the Orleans Planning Board was called to order at 6:30 p.m. in the Nauset Meeting Room at the Orleans Town Hall. **Present: Chairman:** John Fallender; **Vice-Chairman:** Seth Wilkinson; **Clerk:** John Ostman; Kenneth McKusick; Chet Crabtree. **Associates:** Gary Guzneau. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present: Board of Selectmen Liaison:** Jon Fuller. **Also Present:** Attorney Michael Ford (Town Counsel)

### **MOTION TO ENTER INTO EXECUTIVE SESSION:**

**MOTION:** On a roll call motion, the following Planning Board members voted to go into Executive Session to discuss pending litigation at 6:30 p.m.: **AYE:** John Fallender, Kenneth McKusick, John Ostman, Chet Crabtree and Gary Guzneau. *Seth Wilkinson was absent for this portion of the meeting.*

**VOTE: 5-0-0** The motion passed unanimously.

### **6:30 P.M. - EXECUTIVE SESSION: Litigation**

Attorney Michael Ford explained to Planning Board members a suggested revision to the Definitive Subdivision plan for Tom's Hollow Road filed by Thomas and Patricia Kennedy. Attorney Ford explained the status of the court case pending against the Orleans Planning Board and stated that the case is currently scheduled to go to trial during the third week of September 2010. Attorney Ford referred to discussions he has had with the Plaintiff's attorney regarding the anticipated sale of 50 Tom's Hollow Lane and noted that the sale would be contingent on the resolution of the lawsuit. Attorney Ford explained to Planning Board members a proposal by the Plaintiff's attorney which would include one of the lots to be divided and access would be via a panhandle which would entail a public hearing by the Planning Board in order to gain input from abutters. Planning Board members discussed that the plan would need to require a waiver for the panhandle. Attorney Ford stated that the revised plan would need to be remanded from the court back to the Planning Board for review and approval after a public hearing is held.

**MOTION:** On a motion by **Chet Crabtree**, seconded by **Kenneth McKusick**, the Board voted to instruct town counsel to pursue the modified definitive subdivision plan for Tom's Hollow Lane in which the deeded Lots A and B be combined into one lot. The Tom's Hollow Lane cul-de-sac and all road improvements would be deleted. The only division proposed for Lots C and D would be panhandle fashion. A restriction would be placed on the merged Lots A and B that

there be no further division or subdivision of that lot. Town Counsel will be instructed to pursue the case under a Stipulation of Remand from the court to the Planning Board for a public hearing.

**VOTE: 5-0-0** The motion passed unanimously by a roll call of the following members who voted Aye: John Fallender Kenneth McKusick John Ostman Chet Crabtree Gary Guzzeau

**MOTION TO CLOSE EXECUTIVE SESSION**

**MOTION:** On a motion by **John Ostman**, seconded by **Kenneth McKusick**, the Planning Board members voted to close the Executive Session for litigation at **6:58 p.m.** by a roll call of the following members who voted Aye: John Fallender, Kenneth McKusick, John Ostman, Chet Crabtree, and Gary Guzzeau.

**VOTE: 5-0-0** The motion passed unanimously.

**DATE APPROVED:** October 14, 2014

**DATE RELEASED:** October 14, 2014

**SIGNED:**

  
(Chet Crabtree, Clerk)