

Executive Session Minutes

August 20, 2007

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
AUGUST 20, 2007**

Present: Hal White, Chairman  
Steven Halterman  
Ted Goodwin  
Arnold Wilson  
William Emrich  
James Malloy, Town Administrator

**Stallion Hill Road Parcel**

The Chairman called the executive session to order under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation; and #6: To consider the purchase, exchange, taking, lease or value of real property, not to reconvene in open session.

A.Wilson received a letter from Gerry Paquin (copy on file) in which he offered his terms for the Town's purchase of land on Stallion Hill Road. It was the consensus of the Board to take it under consideration, and to convey that back to Mr. Paquin. J. Malloy noted that at this point, Mr. DiBonaventura is free to offer it to anyone at any price. H. White suggested that the Board not respond to Mr. Paquin's letter, but to convene in executive session on September 4<sup>th</sup>. He suggested contacting Mr. DiBonaventura to inform him that the Town has received a letter from G. Paquin, and to ask where he stands with that.

**Planning Board -- Potential Litigation**

A.Wilson said that relative to Blue and Gold Development on Hall Road, it had been ruled by the ZBA that they could not access the back land through a commercial zone, so Blue & Gold took them to court, and won. Town Counsel said that the ZBA had solid grounds to appeal. The ZBA voted not to file an appeal. He said that Dan Flynn had requested a cul de sac through a commercial zone to access suburban residential back land, for which a preliminary approval was granted. He said that as it may affect other sections of the Town, he would like to request that the Board authorize J. Malloy to contact Kopelman & Paige to find out if there is a good case for the Board to sue the Planning Board, or for a citizens group to sue the Planning Board, and how to proceed. H. White agreed. He said that he attended the Planning Board meeting when they talked about things (specific developers and developments) that they should not talk about. A.Wilson said that they would get passage through a commercial zone through the back land.

A.Wilson said that if Kopelman & Paige indicates that the Board could be an interested party, then the Board should decide whether to do it themselves or

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have someone else do it. J. Malloy noted that an appeal must be filed within 20 days of a Planning Board decision.

J. Malloy said that he had met with EBY last week, and he asked Jean Bubon to set up a meeting with them to find out what was going on. He met with Dan Flynn and Chris Ferguson of Bertin Engineering, and Mike Loin was to return with a plan showing what they intended to do with the land.

It was the consensus of the Board to authorize J. Malloy to consult Kopelman & Paige as to whether the Town has a case relative to passage through commercial to back land, based on a new scenario.

J. Malloy said that they wanted to know whether the Town would be willing to work with them on this development. He noted that they have approval from the state for a 40B, and they said that they would phase it down to 120 condo units with two bedrooms, and are willing to donate a large commercial portion to the Town on the northwest side, which abuts Fisheries and Wildlife. They would be willing to talk to the Board about the sewer that was granted to them.

**Choinski**

T. Goodwin said that they are not moving the house away from the wetland. J. Malloy said that the Conservation Commission had denied their permit application, and if there is an option for them to do something, the Conservation Commission can make them do it.

A.Wilson informed the Board that Attorney Ed Neal said that he needed to postpone the hearing until September.

**MOTION: To adjourn, by S. Halterman**  
**2<sup>nd</sup>: A.Wilson**  
**Roll call vote: All in favor.**

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date