

CARVER ZONING BOARD OF APPEALS

March 6, 2014

EXECUTIVE SESSION MINUTES

TOWN CLERK

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The Carver Zoning Board of Appeals held a public hearing on Thursday, December 12, 2013, at 7:00 p.m. at the Carver Town Hall.

IN ATTENDANCE: Stephen Gray, Chairman; James F. Nauen; Steven Maynard; Fran Mello; Eric Mueller

ABSENT: Sharon Clarke; Walter Collins

ALSO PRESENT: Deborah Carlino, Clerk

Chairman Gray advised that the Board will discuss pending litigation and strategy relating thereto regarding: Rocky Meadow Development Corp., et al. v. Zoning Board of Appeals of the Town of Carver, Land Court Civil Action No. 13 MISC 480508

It is expected that the Board will convene an executive session pursuant to MGL Ch. 30A, Section 21(a) (3).

MOTION: by Mr. Gray to go into Executive Session at 7:10 p.m. pursuant to M.G.L. c. 30A, s. 21(a)(3), to discuss pending litigation with respect to Rocky Meadow Development Corp. et al v. Zoning Board of Appeals of the Town of Carver; Land Court Civil Action No. 13 MISC 480508; it is necessary to go into Executive Session at this time as discussions in open session will be detrimental to the Town's litigation position and strategy relating thereto.

SECOND: by Mr. Nauen

ROLL CALL VOTE: yes – Gray; yes - Nauen; yes - Mueller; yes – Maynard; yes – Mello

Chairman Gray gave the Board a draft agreement to review and discuss.

Mr. Chairman advised that the Plaintiff had signed off on this agreement. By signing this agreement, the pending litigation would be stayed so as to allow the Plaintiff to proceed with obtaining approvals for a smaller, scaled down version of the larger plan which had come before the ZBA.

MOTION: by Mr. Nauen to accept the agreement as presented

SECOND: by Mr. Maynard

ROLL CALL VOTE: yes – Gray; yes - Mueller; yes – Maynard; yes – Mello; yes - Nauen

MOTION: by Ms. Mello to come out of Executive Session and then return to open session

SECOND: by Mr. Mueller

ROLL CALL VOTE: yes – Gray; yes – Mello; yes - Nauen; yes - Mueller; yes - Maynard

Respectfully submitted,
Deborah Carlino, Clerk