



CITY OF SALEM PLANNING BOARD

Meeting Minutes, EXECUTIVE SESSION, March 18, 2021

An executive session of the Salem Planning Board was held on Thursday, March 18, 2021, at 7:55PM.

*EXECUTIVE SESSION

Enter into Executive Session: Pursuant to MGL Chapter 30A, Section 21 (a), to conduct strategy sessions with respect to the legal position of the Planning Board and litigation regarding following applications as having the discussions in open session would have a detrimental effect on the litigation position of the City and the chair so declares, with respect to the following matters:

1. Donald A. Harlow-Powell et al v. Town & Country Homes, Inc., Geo. & Veronica Belleau, Planning Bd. members in their capacity as members – regarding the Definitive Subdivision at 14 and 16 Almeda Street
2. Castle Hill Group v. Planning Bd – regarding the Definitive Subdivision and Waiver of Frontage at 0 Story Street

A motion to enter the Executive Session is made by Carole Hamilton, seconded by Noah Koretz, and the motion passes 9-0 in a roll call vote. The meeting will NOT reconvene after the Executive Session.

Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Sarah Tarbet	Yes
Tom Furey	Yes
Todd Waller	Yes
Bill Grisct	Yes

Appealing the Board's decision is common when Applicants are denied or have a grievance. Planning Board members are represented by the city as defendants in Civil Action Suits. An update was provided by City Solicitor. Bill Grisct provides an update.

John Carr, codefendants Town and Country, status:

- Motion for summary judgment on all counts Oct. 1 2020.
- No appeal; codefendant (Town and Country) filed a counter claim which was dismissed, but online docket shows them still pending.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

- Clerk of court will be addressing the matter, hope to receive notice soon that case is closed with finality.
- Noah Koretz asks for clarification on which property is in question. This is the one with the water tank, structural issues, a motorhome, and the pool constructed on the neighbor's property. They also failed to provide the Board with enough information.

Castle Hill Group –

- An appeal was by the Applicant of the Board's denial of the Form C waiver of Frontage Jan. 2021. The Board's answer was filed within 20 days.
- This is in the discovery phase, interrogatories, deposition, etc. This is pending, discovery can last 18 months or so.
- DJ Napolitano asks if it is in land court or district court? It is in Superior Court.

Was there resolution on the Bertuccio Ave case? Yes, it was decided in favor of the Board.

ADJOURNMENT

A motion to adjourn is made by Kirt Rieder, seconded by DJ Napolitano, and the motion passes 9-0 in a roll call vote.

Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Sarah Tarbet	Yes
Tom Furey	Yes
Todd Waller	Yes
Bill Griset	Yes

The meeting ends at 8:00PM.

Respectfully submitted,
Stacy Kilb, Recording Clerk

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at:

<https://www.salem.com/planning-board/webforms/planning-board-2021-decisions>

Approved by the Planning Board on 6/3/2021