

**Board of Selectmen  
Executive Session Minutes of September 19, 2014  
Bourne Veteran's Memorial Community Building  
Bourne, MA 02532**

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In open session, Mr. Pickard made a motion to enter into executive session for the purposes of discussion ongoing litigation and to return to open session. The Motion was seconded by Mr. Mealy and unanimously agreed to by the Board by a roll call vote.

Mr. Pickard – YES, Ms. Zuern – YES, Mr. Ellis – YES, Mr. Mealy – YES, Chairman Meier – YES.

Also in attendance were Town Counsel Robert Troy, ZBA Chair Lee Berger, and the Town Administrator.

1. Pilgrim Pines Development (PPD) – Both Attorney Troy and ZBA Chairman Lee Berger provided an extensive background on the issue related to the Comprehensive permit for PPD, the affordable units that were supposed to have been and the ratio required, financial problems that have beset PPD principals, lack of enforcement of the Comprehensive permit and the requirements still incumbent upon the developers. The PPD principals (Hebb brothers) have appealed the permit requirements to the Housing Appeals Committee and the Committee convened on September 12, 2014 in Boston.

Hebb has indicated they would like to settle. The HAC has “ordered” 8 hours of mediation. There is a question as to whether the HAC can do so but this is academic at this point in time. There is also a question as to the HAC has the authority to reduce the ratio of affordable units at all below 25% as this is the DHCD requirement.

The ZBA would very much like to have the comprehensive permit requirements met and require a full 25% of the units built to be affordable. There are only 16 units left to construct and the PPD is under by 11 units of affordable at build out. ZBA would like to see 11 affordable and 5 market rate housing units built. PPD is offering 2 affordable units and 11 market rates. Note that the PPD and Hebb's are also in Bankruptcy Court which complicates any potential agreement at any level. The BOS members queried Mr. Troy and Berger on a number of topical issues related to the case and its' complexities, including problems with the neighborhood should the road not be completed by the Hebb's.

Attorney Troy recommends that the Town try to reach some accord on with the PPD and the Town/ZBA related to the affordable units and the road issue. He acknowledged Mr. Berger's concern about a precedent being set if the Town backs away from the 25% threshold.

The BOS agreed with Town Counsel and a meeting will be established with the PPD principals and Counsel with Town Counsel and The Town Administrator.

2. Session with the Board of Assessors and the Principal Assessor, Ms. Barakauskas, regarding the former Grand Union Property and the Appellate Tax Board.

The Board of Assessors are requesting that the Town not settle the case by paying the judgment due until after the findings of fact have been completed by the ATB and distributed for review. Attorney Troy gave another synopsis of the case and that any appeal would have to be on a matter of 1. Standard of Review. He noted that the ATB magistrates are very experienced and the work product emanating from the ATB is excellent. 2. Note that the Appellate Court defers to the Admin Agencies. 3. Did the ATB make a reversible problem. The Town did well and the ATB acknowledges such in this decision.

Mr. Mealy made a motion to hold off on payment due until November 1 and give the Town the chance to review the Findings of Fact from the ATB. The motion was seconded by Ms. Zuern and by roll call vote was unanimously agreed to by the Board.

Mr. Pickard – YES, Ms. Zuern – YES, Mr. Ellis – YES, Mr. Mealy – YES, Chairman Meier – YES.

Mr. Pickard made a motion to exit Executive Session and return to open session. The motion was seconded by Ms. Zuern and unanimously agreed to by the Board through a roll call vote.

Mr. Pickard – YES, Ms. Zuern – YES, Mr. Ellis – YES, Mr. Mealy – YES, Chairman Meier – YES.

Meeting adjourned at 7:08 P.M.

Respectfully submitted,

Thomas M. Guerino