



BILLERICA PLANNING BOARD

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Michael Parker, *Chair*

Kelley Sardina, *Vice Chair*
Christopher Tribou
Edward Giroux

Marlies Henderson, *Secretary*
Blake Robertson
Evens Cimea

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**Planning Board Special Meeting
Executive Session Minutes
July 30, 2024 @ 6:00 P.M.
Location: Remote**

Members	Present
Michael Parker, Chair	Y
Kelley Sardina, Vice-Chair	Y
Marlies Henderson, Secretary	Y
Blake Robertson	Y
Chris Tribou	Y
Ed Giroux	Y
Evens Cimea	Y

Staff

Erika Oliver Jerram-Director of Planning & Community Development
Katherine Malgieri-Senior Planner
Jane Merrill-Associate Planner

Parker called the Planning Board meeting to order at 6pm and called roll. All members present, remotely participating via Zoom.

Henderson motioned to go into Executive Session to discuss legal options for *JR Noonan Development, LLC. v Billerica Planning Board* with Town Counsel and determine how Counsel should proceed. Giroux seconded the motion. All Board members voted in favor (7-0).

Parker stated that the Board will be adjourning from executive session. They will not return to an open meeting.

Noemi Kawamoto (Town Counsel) presented the options for responding to the appeal.

The first option is for the Board to authorize Counsel to ask for the application to be remanded back to the Planning Board to have a new Public Hearing with all Board members in attendance.

The other option is for the Board to authorize Counsel to defend the Planning Board's decision and proceed with the litigation. Kawamoto added that she has met with the judge and expressed what weaknesses in their defense they may have.

Parker opened the floor to Board members to provide their comments.

Each member spoke, expressing their views on the case and whether they personally wanted to remand or defend.

Views included the need to uphold the regulations (Robertson and Parker), the concern of legal costs (Tribou and Henderson), typical treatment of B2 applications (Tribou and Cimea), previous legal decisions (Giroux), and whether new reasons for denial were eligible for consideration (Sardina). Boardmembers varied on their individual opinions, with one board member agreeing to vote to defend if the rest of the board wanted, but thought it was 'delaying the inevitable'.

The Chair identified he had positively-worded motions for either option drafted. Henderson motioned to allow Counsel to pursue litigation defending the Board's decision. Sardina seconded.

Members	Vote
Michael Parker, Chair	Y
Kelley Sardina, Vice-Chair	Y
Marlies Henderson, Secretary	N
Blake Robertson	Y
Chris Tribou	N
Ed Giroux	N
Evens Cimea	Y

Motion to allow Counsel to defend the Board's decision passes 4-3.

Henderson motioned to adjourn; Robertson seconded. All in favor (7-0)