

**Holliston Planning Board
Executive Session Meeting Minutes of October 26, 2023**

CALL TO ORDER:

The Chair called the regular meeting to order at 6:49 p.m. and read the following statement into the record: Pursuant to the Governor's action on March 29, 2023 relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, the Planning Board will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted to the Town's webpage within 24 hours in accordance with keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting.

At this time, a roll call attendance vote will be taken:

Chair Karen Apuzzo-Langton - present
David Thorn – present
Scott Ferkler – present
Barbara Peatie – present
Jason Santos – present

The Chair announced that the Board would be convening an Executive Session as posted and would be returning to open session. On a motion by Ms. Peatie, seconded by Mr. Thorn, the members entered into Executive Session with Atty. Winner of Mead, Talerman & Costa (Town Counsel) and Town Planner, Karen Sherman to discuss pending (threatened) litigation for Bartzak PV I, LLC and BWC Bogastow Brook, LLC. The roll call vote in favor was as follows:

Chair Karen Apuzzo-Langton - aye
David Thorn – aye
Scott Ferkler – aye
Barbara Peatie – aye
Jason Santos – aye

EXECUTIVE SESSION – MGL c. 30A, s. 21 (Exception 3 – to discuss strategy with regard to threatened litigation)

Bartzak PV I, LLC and BWC Bogastow Brook, LLC

Atty. Winner reiterated that attorneys representing both applications had threatened litigation. He discussed MGL c. 40A, s. 3 (Exemptions from Zoning Regulations) language with regard to solar energy systems, applicable case law, and a recent position paper from the Attorney General on battery energy storage facilities in addition to the written submittals from counsel.

No votes were taken.

On a motion by Mr. Ferkler, seconded by Mr. Santos members resumed the open session portion of the meeting. The roll call vote in favor was unanimous.

Respectfully submitted,

Karen L. Sherman, Town Planner