

Minutes - Executive Meeting

Caflisle Planning Board

March 28, 1968

Present were: H. Hosmer J. Macone D. Spaulding
C. Evans F. Smith T. Herndon - Clerk

The Chairman opened the meeting by reading a letter to the Board from the Selectmen, which stated that since there had been a possible technicality raised by Mr. Evans at Town Meeting as to whether the Orchard Acres road, which was up for acceptance, had been widened to 24 feet in a legally proper manner, the Selectmen would withhold issuance of health and or building permits until the Planning Board advised them as to whether it had accepted the road. Mr. Evans' position was that the Board had accepted the road and subdivision under the Small Subdivision regulations, and that the paved surface had been accepted at 12 or 18 feet. It was his opinion that before the paved surface was subsequently widened to 24 feet, Mr. McAllister should have submitted an amended plan to the Board for its approval and since he hadn't, the widening was illegal. He also felt that a 24 foot paved surface within a forty foot wide road was an illegal road for a Small Subdivision. Mr. Hosmer pointed out that on the original subdivision map, which he presented, there was no reference to the width of pavement, and that the road was delineated as 40 feet wide. He felt that under these conditions, the submission of a modified plan for whatever widening was not required, and he asked Mr. Evans if he did not agree that the Small Subdivision regulations spelled out minimums rather than absolute requirements. Mr. Evans agreed that this was so, but referred to Section 81 - 0 of Chapter 41 of the General Laws as his source of information which lead him to believe that such modifications to roads, not accepted by the Town, should be approved by the Planning Board.

A general discussion of the problem ensued, and the majority of the Board felt that it had no power to require the submission of an amended plan in such cases. However, since there was a difference of opinion as to the correct legal interpretation of this matter, the Board decided to seek Town Counsel's advice. Mr. Hosmer said that he would submit the matter to Counsel, and ask for his opinion as quickly as possible, since the Board agreed that it should reply to the Selectmen's letter promptly. Mr. Hosmer said that he would write a letter and have the Board review it before sending it to Counsel. The Board agreed unanimously that all members would accept and act in accordance with Counsel's opinion.

Then the question of "Indian Hill, Section I" was discussed. The problem stemmed primarily from the fact that Town Meeting had tabled the Warrant Article which asked the Town to accept the road. Mr. Finigan, the developer, had expressed strong dissatisfaction with such action in view of the fact that the Highway Surveyor had communicated through the Selectmen that the road was acceptable. The implication was that this situation might possibly have resulted from statements which Mr. Evans made before Town Meeting where he pointed out that the road had a free-flowing spring near its edge and that this could cause icing conditions in cold weather since it flowed on to the paved surface. Mr. Evans had also commented on an ice dam having plugged an underground drainage pipe constructed along the existing town road and not within the subdivision. This blockage had caused the trapped water to press upward against a manhole cover in the road, and he felt that a heavy vehicle could, under these conditions, dislodge the cover and create a serious traffic hazard.

The Board discussed the question of whether it was proper to fragment, as it were, with various members taking several positions at Town Meeting. The sense of the meeting was that such action would mainly have the effect of confusing the meeting, particularly in light of the fact that neither the Board or the Town has, in the past had expert opinion in engineering matters. Mr. Evans felt that he should be free to express his views, and not necessarily bow to the opinion of a majority of the Board. Mr. Hosmer noted that this placed the Board in an unusual position, as he did not feel that it was proper or responsible for him, as Chairman, to have to stand at Town Meeting and offer his personal opinion in rebuttal to another member's personal opinion. Mr. Hosmer then moved that henceforth, in matters pertaining to acceptance of ways by Town Meeting, the Board engage a professional consultant to advise the Board and the Town. The Board agreed to this course of action, and requested that the Clerk contact Mr. David Perley and engage him to carry out this task on "Indian Hill Section I" in the near future.

The Board then arranged to meet on Apr. 6 to view the proposed road location on a preliminary subdivision layout of Tricorn Homes, with Mr. Connely, the developer.

Respectfully submitted

Terry O. Herndon Clerk