



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

February 28, 1977

Members Present: Sauer, Cutter, Pugmire, Bridges, Hannaford, Kulmala

The minutes of the February 14 meeting were amended as follows:

The last line of page three should read "Building Committee," not "Finance Committee." With this change, the minutes were approved.

A revised plan by Waverley Bank for the Daisy-Superette property in the center was examined. It shows a gravel parking lot of 14 spaces behind the two buildings with an entrance north of the gas station from Lowell Road and a one-way exit onto Bedford Road with a walkway between the Superette and the gas station. This plan incorporates the suggestions of the Board except for the parking in front of the Superette, and that situation can be examined by the Selectmen at a future time. The plan was approved unanimously and Hal Sauer will convey this information to the Selectmen.

It was suggested that the Board plan to take up the issue of the correct location of the Business District line currently shown behind Daisy's garage, within the land of K. & J. Evans.

The Board addressed itself to the Fenn School woodlot on Berry Corner Lane. Kent Pugmire reviewed the Subdivision Control Law which indicates the lots should have adequate acreage, frontage on a way, and access to a public way. The acreage and frontage situation in this case is no problem; the access question is in dispute.

Hal Sauer reported on a conversation with Town Counsel Neil Melone in which Mr. Melone felt that the access dispute was a legal problem to be solved in the courts. He recommended the Planning Board sign on the basis of Planning Board approval under Subdivision Control Law not required if the following note (a change in wording from his June 15, 1976, letter) appeared on the plan: "Lots A and B are not to be used as building lots until the recording of evidence that the dispute as to access has been resolved in favor of the Applicant or his assigns." If this is refused by the Applicant, it is Town Counsel's opinion that the Planning Board has a right to refuse the plan on the basis of the Applicant's refusal to accept the added notation.

Appearing to speak on the issue were Mr. Edes, attorney for Fenn School, and residents of Berry Corner Lane--Schulz, Wells, Myers and Nestor. Despite Chairman Sauer's request, repeated several times, that any statements not address themselves to the legal complexities since the Board did not consider itself competent to make any decisions on those questions, most of the lengthy discussion that followed did in fact address itself to whether or not Fenn School had access.

Although the Board's signing the plan as submitted would not indicate the lots were legally buildable, it was felt by a majority of the Board that adding the notation recommended by Town Counsel would protect future potential buyers. The vote was 5 to 1 in favor of taking that action. Mr. Edes indicated his agreement to this. Three signatures to the plan were affixed at the meeting. The fourth will be added when the note has been placed on the plan. A letter will go to Mr. Edes with a copy to Mr. Eno, attorney for the residents, stating the Board's decision.

Kay Kulmala read portions of a letter from Donald Schmidt of the Office of Local Assistance, Department of Community Affairs, requesting permission to use our Procedural Rules regarding Special Permits in Wetland Districts when other towns need an example as a guide in drafting their own rules. Permission was granted.

A question from Tim Fohl regarding Flood Plain Insurance was relayed by Hal Sauer. In answer it was noted that the curvilinear maps have been corrected according to letters received by residents.

The Master Planning Committee would like to be first on the Agenda for March 14 for discussion on Chapter 808 Bylaw changes in preparation for the April 21 hearing.

It was suggested that to prevent a duplication of effort the Board should deal with the issue of the Warrant Article by petition setting up a Bylaw Committee. Hal Sauer will contact Roger Bull to clarify the intent of the Article.

Kay Kulmala reported briefly on the soil survey question. Since the Board had indicated earlier its reluctance to take on such a project at this time, particularly in view of the many other types of mapping already done, she has learned that Carlisle could go through what is called the Inventory Phase to supplement what we already have. The value of this would be to identify open space and recreation areas and to encourage more town participation in town conservation goals.

At a recent meeting of the State Forest Advisory Committee which discussed the future direction of that committee, it was decided to maintain itself as a unique entity. Hal Sauer will continue as chairman until a successor is elected.

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It was suggested that the March 28 meeting include on the Agenda a discussion of the Warrant Article proposing reduced width of pavement in subdivisions when bike paths are provided. This also will be included in the April 21 hearing. It was noted that publication of notices of this hearing must appear on April 6 and 13.

A letter was received from the Billerica Planning Board requesting opinions and comments regarding our association with any regional planning agencies. It was decided to refer this to Charles Evans as the Town's representative to the Metropolitan Area Planning Council.

The meeting adjourned at 10:00pm.

Respectfully submitted,


Meredith DeLong, Secretary