

TOWN OF CARLISLE - Planning Board

Minutes of Meeting, 5/10/71 8:00 P.M. Selectmen's Office

1. Present were Messrs. Herdon, Hosmer, Macone and Evans.
2. Plan of land on Concord Street owned by the Dysons (Russell St.) signed, "Planning Board Approval Not Required".
3. Dr. Peter Morey appeared with his attorney, Robert McWalter, Esquire, requesting Board signatures on petition to Board of Appeals for new hearing on subject of operation of an animal hospital in residential district. Board of Appeals granted permit (1/6/71) within time frame not acceptable for bank financing. G.L. Ch. 40A, Section 20 permits petitioner to make new application within two years of an unfavorable Board of Appeals decision only with consent of all but one member of Planning Board in a Town which has accepted appropriate permissive legislation. After considerable discussion and telephone conference with Town Counsel for opinion as to whether Board of Appeals decision of 1/6/71 was "unfavorable" under the intent of the statute, (to determine whether the matter was properly before the Planning Board) four members present signed granting Board's consent to submit new petition. After objection to proposal of Atty. McWalter that he obtain consent of two more members, it was agreed that the Board Chairman would explain the facts to the three absent members who could determine their individual courses of action thereon.)

Clerk pro tem herewith confirms his oral objection to manner in which petition was received and processed as follows:

- a. Board had no official information that Carlisle had ever accepted the cited permissive legislation
- b. Board had no prior opinion from Town Counsel that Board of Appeals decision of 1/6/71 granting permit for operation of the animal hospital (for period of five years) was in fact an "unfavorable decision".
- c. Delay of action in the petition even for twenty-four hours to satisfy a. and b. objected to by counsel for the petitioner.
- d. Opinion of Town Counsel had to be requested in less than an orderly manner.
- e. Board members present put in position of signing to grant approval to accommodate the petitioner or to delay action pending proper determination of facts under a. and b. in the face of implied allegation that anything other than immediate signing would be throwing another obstacle in the path of the petitioner.

- f. To grant petitioner's attorney unqualified approval to obtain signatures of absent members to meet the statutory requirements places these absent members in the position of signing under possible inference that majority action reflects decision which they are expected to support.
4. Report from T. Herdon that prospects for new aerial photos of the Town depend on extent of good photography weather before Spring foliage progress appreciably further.
5. Report from M. Macone on "Operation house numbering - instructions to occupants" received and bills incurred on behalf thereof approved.
6. DeBonis subdivision - report of members inspecting same since meeting of 4/12/71. Observations were as follows:
- Pipe under the pavement at curve (on which telephone poles under scrutiny are located) may not be functioning properly.
 - Blocked catch basins may be causing temporary flooding of roadway and lawns of occupied houses.
7. Connolly subdivision - report of Chairman
- Developer and contractor that applied road surface object to additional $3/4$ inch of material. Propose sealing process in lieu thereof.
 - Perley to advise Board after receiving requested information as to procedure to be followed in sealing operation. (Suggestion offered to Chairman that armor coat of "turket grit" stone preferable to sand seal (also more costly to developer and/or road contractor.)
 - Surface defects generally confined to about half the distance of the roadway (that half starting at Westford Street). However, Perley advises that application (even of additional $3/4$ inch of bituminous material be for entire distance. (His reasons not clear to all four members present).
- Note: Clerk pro iam is of the opinion that curbing at down grade through "major cut" to construct roadway needed to protect road surface from infiltration of water under surface with potential break-up due to alternate freezing and thawing.
8. Ogden subdivision - review
 Question: Curbing broken apparently by Town plow during snow removal. Does developer repair to qualify road for acceptance or does the Town accept damage to private way resulting from snow plowing under designation by Selectmen in accordance with permissive legislation accepted by the Town (G.L. Ch. 40, Sections 6D and 6C?)
9. Small subdivision - rules and regulations
 Brief discussion; general agreement that philosophy in support of small subdivisions as applicable today as when adopted. Some abuse by developers. How far is the Town expected to go to satisfy the purchaser of property on

roadway in small subdivisions who expects Town capital outlay to meet standards for acceptance even though legend on plan states "private way"? Discussion of previously advanced suggestion that betterment assessment on abutters might cool the enthusiasm for Town acceptance or provide the machinery for acceptance by petitioners who have made allowance for "private way" status in their purchase arrangements and expect to pay for cost of bringing road up to standards for acceptance.

10. Discussion of updated plan for Town Center and further report of "By-Pass Subcommittee" to await meeting with full Board membership in attendance.
11. Tentative date for Special Town Meeting (6/14/71. Question: Could Board come up with a proposed solution to problem of parking school buses by that time. General agreement that the possibility is unlikely.
Suggestions offered:
 - a. Resubmission of article in Annual Town Meeting warrant.
 - b. Requirement that buses be stored under cover. (During present contract Town to rent barn at Bates Farm - assuming this can be negotiated - and absorb the cost of overnight and week-end storage.)
 - c. Town to provide outside storage with area enclosed by chain link fence, equipped with adequate lighting and offering reasonable protection against vandalism. (Area of present Town dump suggested as a possible location)

(Leo Collins of South Street offered several reasons which in his opinion make authorization to store buses in a residential district objectionable and unlikely to receive Town Meeting approval.)
12. Two meetings in May because of five Mondays. The 31st objected to for obvious reasons. Tentative substitute date subject to further advice from Chairman is Tuesday, May 25. Location to be announced.

Charles M. Evans
Clerk, Pro tem