

**Town of Carlisle Planning Board  
MBTA Communities Subcommittee  
Minutes of 12/3/24 9:00 AM / Minutes Prepared by: Noelle Beland, Planning, Zoning & Land Use Assistant  
Online Meeting Format: Zoom**

Voting Members Present:

- Adelaide Grady, Planning Board
- Kate Reid, Select Board
- Tony Mariano, Board of Health
- Christina Christodoulopoulos, Environmental Sustainability Committee
- Christine Johnson-Battista, Affordable Housing Trust
- Helen Jackson Young, Conservation Commission
- Justin Harrison, Carlisle citizen

Staff Present:

- Julie Mercier, Town Planner
- Ryan McLane, Town Administrator
- Noelle Beland, Planning, Zoning and Land Use Assistant
- Bethany Barstow, Conservation and Land Use Assistant

Members of The Public

- Amelia Fournier, 745 East Street
- Carol Ostrowski, 85 Patch Meadow Lane
- Claude Von Roesgan, 121 Page Brook Road
- Gerard Ostrowski, 85 Patch Meadow Lane
- James Hart, 766 North Road
- Kathleen Redman, 84 Patch Meadow Lane
- Laura Harrison, 847 North Road
- Linda Fabrizio, 58 Patch Meadow Lane
- Madeleine Blake, 127 Carleton Road
- Maeve Lobo, 49 Old Quarry Drive
- Margery Berube, 784 North Road

Chair Grady called the meeting to order at 9:00 AM and went over the agenda which included minutes of 11/12, 11/14, & 11/21, discuss Letter to the Editor in Mosquito, discuss proposed recommendation to the Planning Board, review feedback from the Open Houses, and allow for public input.

**Minutes**

The subcommittee put off approving the minutes of 11/12, 11/14, and 11/21 to allow each member time to fully review the minutes. They plan to review the minutes at the 12/4 meeting.

Chair Grady made a statement to start off the meeting. She reminded everyone present that the Subcommittee is not a decision-making body. She said that the Planning Board has asked the Subcommittee to explore options for compliance and make recommendations. To clarify, the

Subcommittee is not proposing changing underlying zoning. Instead, the intention is to create a zoning overlay, which allows property owners more opportunities. She also noted that the Subcommittee has spent hours working and evaluating impacts related to health and safety, primarily focusing on concerns from the Board of Health, represented by Mr. Mariano, regarding the unknown consequences of dense development on non-standard septic systems.

Chair Grady went on to note that the Subcommittee has developed a proposal and has been meeting weekly. Last week, the Subcommittee voted to give a proposal to the Planning Board by December 9<sup>th</sup>. The recommendation is not an end all decision. It is intended to be a result of work they have done so far to provide direction. She said that the open meeting process will continue until we are ready for Town Meeting, and that public comment is being considered from the Open House, as well as from meetings, letters and emails sent regarding the MBTA Communities Act. She noted that it is challenging when there is repeated feedback with the same concerns. She asked the public to raise hands to concur with feedback and questions asked. She also reminded everyone at the meeting that this is a civil discourse to find the best path for the Town to comply. Ultimately, whether the Town complies or not will be decided by Town Meeting.

Mr. Harrison said he reviewed the feedback from Town Counsel on Conflict of Interest and believes it may impede the Subcommittee's ability to make a recommendation to the Planning Board. He said that Town Counsel suggested the Subcommittee seek guidance from the State Ethics Commission before voting or recommending something to the Planning Board.

Ms. Johnson-Battista asked if the Subcommittee must give recommendations or whether they could just hand over a whole package of data. She commented that the Subcommittee may not agree on a recommendation. Chair Grady said the Subcommittee could give direction but not a destination.

Mr. Harrison said given the criminal penalties that were outlined in the ethics opinion, he would not feel comfortable participating in any vote until they had a clear Ethics Commission opinion on the matter as recommended by Town Counsel. Mr. Harrison said that each member could be in conflict, and that voting when conflicted is illegal. Chair Grady asked Mr. Harrison to clarify how the members of the Subcommittee could be conflicted. Mr. Harrison explained in the case of MBTA Communities zoning, the decision to include a certain parcel of land may affect whether other land is included or not. A member of the Subcommittee may have some financial interest in any vote affecting the zoning location, because choosing to place the new zoning in an area away from their own property may result in not including land to which they're an abutter, with a financial interest.

Mr. Harrison went on to say that the Subcommittee has been basing their proposal on specific locations that they have been presenting at the Open Houses with the maps. He said the group has been including and excluding parcels with no recorded votes throughout the process. Specifically, the issue is municipal employees' participation in voting on a matter for which they have a financial interest. There was some debate over whether Subcommittee members are considered municipal employees. Ms. Mercier clarified that as members of a town volunteer board, committee, commission, subcommittee, etc., they are all considered municipal employees under the law.

Chair Grady asked for a motion to dissolve the Subcommittee.

Ms. Reid made a motion that the recommendation they make to the Planning Board is only in relation to the 2-acre conservation cluster strategy, and does not include examples of where it could be placed.

Mr. Harrison moved to postpone the motion until the Subcommittee obtains a clear decision from the State Ethics Commission.

Ms. Christodouloupoulos asked how other towns are getting around the issue of making recommendations. She asked how the Planning Board could make recommendations. Mr. Harrison responded that it is a really confounding problem, which is why the Subcommittee needs the State Ethics Commission to weigh in on this. He said there are exceptions where an entire body is conflicted, but we don't know if those are applicable here. Ms. Mercier screen-shared the opinion from Town Counsel.

Ms. Johnson-Battista suggested that if Mr. Harrison does not feel comfortable voting he can abstain from the votes. She commented that she feels very comfortable giving a package of recommendations to the Planning Board, and then being dissolved, and that she won't be going to jail. She questioned why the Subcommittee even got an opinion on Conflict of Interest, since they all understand the law.

Ms. Reid noted that the Subcommittee has done a great deal of work, in open meetings, and most of the pushback received has been on the parcels and areas, not on the concept. She said the Subcommittee has limited time and she refuses to be derailed by a couple of residents. She said it is not fair to Town residents for nothing to go to Town Meeting for them to vote on. Ms. Reid made a motion to remove specific or general locations from any recommendations to the Planning Board, and to just submit concepts.

Mr. Mariano said he doesn't agree with not including locations in the proposal. He said it eliminates all the deliberation they have done. He suggested maybe putting off the recommendation date and asking for Town Counsel's opinion. He said if the ethics opinion is integral to their work, then they need it, but if they can't get it quickly he's not sure how to move forward. Ms. Christodouloupoulos suggested tabling the areas under consideration but still presenting the options to the Planning Board in stages. She asked if since the Subcommittee decided not to bring this to Spring Town Meeting, if that loosens the timeline and gives time for them to get more solid feedback from the Ethics Commission.

Chair Grady suggested not recommending anything to the Planning Board. She said all their work exists in the public realm and the Planning Board can use it if they see fit. Ms. Johnson-Battista agreed with this statement. Ms. Christodouloupoulos mentioned that there were intentions that the Subcommittee has discussed, but not yet fully considered. She expressed concern with not having all concerns represented. Ms. Johnson-Battista pointed out that Chair Grady is on the Planning Board.

Chair Grady said she fears the Subcommittee has gotten to a place where their work isn't progressing in a meaningful way. The process with the Planning Board will be public and concerns can be raised then.

Ms. Christodoulopoulos expressed she felt the Subcommittee was not fulfilling their obligation. We may find a solution if we give it a moment to breathe. She proposed submitting the general letter that Ms. Mercier wrote, but taking out the maps.

Mr. Mariano said he doesn't feel qualified to make a vote on that and would like clarification from Town Counsel before moving forward. Chair Grady said she thinks this is an all or nothing situation in which we must either decide that we're okay moving forward with where we are and vote on that, and see if we have a dissenting opinion, or someone who doesn't want to participate in the vote. Or they need to table everything until we get more directions from Town Counsel, because it sounds like anything that we say could be a problem.

Mr. Harrison noted that it was recommended that each member contact Town Counsel individually for their own conflicts. Mr. McLane suggested that the State Ethics Commission has a free lawyer of the day that can be used to interpret individual ethics violations, or perceived ethics violations. It was highly recommended to use the free lawyer as a first step, and then perhaps Town Counsel if needed. Mr. McLane also said he would need to ask the Select Board and the Planning Board whether they want the Subcommittee to use Town Counsel funds at that level.

Chair Grady asked Ms. Reid, representing the Select Board, if the members should consult the free lawyer. Ms. Reid reiterated that she is only a representative of the Select Board but would prefer members to seek advice through the free lawyer and to tread carefully.

Ms. Christodoulopoulos made a motion to seek counsel through the lawyer of the day in advance of tomorrow's meeting. The motion was seconded by Ms. Reid and approved by roll call vote 7-0-0.

Mr. Mariano moved to adjourn the meeting. Ms. Johnson-Battista seconded the motion, and the meeting ended at 9:46 AM with a roll call vote of approval 7-0-0.

The next meeting was set for 12/4/24 at 11:00 AM on Zoom.

These minutes were approved on 12/17/24.

#### Materials Reviewed at the Meeting

Conflict of Interest Opinion from Town Counsel