



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

66 Westford Street
Carlisle, Massachusetts 01741

Tel. (978) 369-9702

Fax (978) 369-4521

E-mail: planning@carlisle.mec.edu

**DECISION ON SPECIAL PERMIT
FOR A SENIOR RESIDENTIAL OPEN SPACE COMMUNITY
AT 81 RUSSELL STREET
FOR BRENDON PROPERTIES, INC.**

TO BE KNOWN AS "GARRISON PLACE"

RECEIVED
NOV 12 2014

DATE OF DECISION: NOVEMBER 10, 2014

TOWN CLERK-CARLISLE
CHARLENE M. HINTON

DATE OF FILING: November 12, 2014

CHH

On February 24, 2014, Brendon Giblin of Brendon Properties, LLC, 268 Turnpike Road, Southborough, MA, submitted an application to the Town Clerk and the Planning Board for a special permit for a Senior Residential Open Space Community ("SROSC"), to be known as "Carlisle Meadows" (subsequently renamed "Garrison Place") under Section 5.7 of the Carlisle Zoning Bylaws. The proposed 16-unit condominium development in attached duplex structures will be on property at 81 Russell Street, currently owned by the Talbot Family Realty Trust of Chelmsford, MA, which is shown as Parcel 16 on Assessors' Map Sheet 8, and recorded at the Middlesex North Registry of Deeds in Book 14804, Page 204. The special permit will serve a 12.06-acre lot (Lot 1) and a 21.99-acre Open Space parcel (Parcel A), created by a Definitive Subdivision Plan approved by the Planning Board concurrently with the special permit that includes a 1.33-acre right of way easement, over which a private way will be constructed to serve as access to both Lot 1 and Parcel A. That easement follows a 1970 easement which granted access over property at 77 Russell Street, owned by Alexander and Joan Parker, and a portion of the right of way is on the Parker property. The 1970 easement is recorded at the Middlesex North Registry of Deeds in Book 1945, Page 213, and in Plan Book 111, Plan 142.

The public hearing for this application was advertised in the Lowell *Sun* on February 24 and March 3, 2014, and in the Carlisle *Mosquito* on February 28 and March 7, 2014. Notice of the hearing was posted in Town Hall on February 24, 2014 and mailed to parties in interest on February 25, 2014. In September 2014, the Board became aware that the Assessors' abutters list had not included four legal Russell Street abutters. On advice of Town Counsel, on October 2, 2014, the Board sent a Special Notice of the ongoing hearing to these four property owners by certified mail, and received return receipt acknowledgements from all of them.

Prior to the application, the Planning Board had informal conceptual discussions on the proposed project at meetings in October and November 2013, and reviewed a preliminary plan for the site on January 13, 2014, which was preceded by an informal site visit.

The public hearing was opened on March 10, 2014, and was continued to March 24, April 14, May 12,

Conditions

Next 6 pp.

The motion was **approved** by a vote of **7 - 0**, and thereby the special permit is GRANTED subject to **the following conditions:**

1. The plans for which this Special Permit is granted are entitled "Garrison Place, A Senior Residential Open Space Community in Carlisle, Massachusetts," Sheets 1-15, dated February 21, 2014 and last revised November 5, 2014, and "Garrison Place, Definitive Subdivision Plan in Carlisle, Massachusetts," Sheets 1-5, dated June 19, 2014 and last revised November 5, 2014, both prepared by Stamski and McNary, Inc., Acton, MA; "Planting Plan," Sheets L1-L4, dated November 6, 2014, and "Schematic Irrigation Plan," Sheet L-2, dated November 7, 2014, both prepared by BETA Group, Inc., Norwood MA; and "Floor Plans and Elevations for Construction by Brendon Homes" prepared by HPA Design, Inc. Wrentham, MA, dated July 11, 2014 and last revised October 24, 2014; all prepared for Brendon Properties, LLC. (the "Plans").
2. The Plans are accompanied by and the Special Permit incorporates herein the following agreements to be executed:
 - Covenant for Operations and Maintenance, Garrison Place Condominium, Carlisle, MA;
 - Covenant for Meadow Maintenance, Garrison Place, Carlisle, MA; and
 - Garrison Place Septic System Escrow Agreement;

which set forth the provisions for the construction, management and maintenance of the access roadway, the stormwater management facilities, the public water supply, the irrigation system, the wastewater treatment facilities, the meadow areas, and the trail easements, all of which documents were filed by hand at the November 10, 2014 session of the Planning Board public hearing, date stamped accordingly and initialed by the Clerk, and which shall be kept on file with the Planning Board. The applicant shall execute these instruments and cause them to be properly recorded with the Middlesex North Registry of Deeds as soon as reasonably practicable after taking title to the property, and in no event later than issuance of the first building permit associated with this project. Any revision of these instruments shall require the review and approval of the Planning Board, acting through its Chair, and no revision shall cause an instrument to be inconsistent with the terms of this special permit.

3. The Plans are also accompanied by these additional documents:
 - A Deed from Brendon Properties, LLC, to the Town of Carlisle conveying Open Space Parcel A;
 - The Declaration of Trust ("the Condominium Trust"); and
 - The Master Deed of Garrison Place Condominium ("the Master Deed");

all of which were filed by hand at the November 10, 2014 session of the Planning Board public hearing, date stamped accordingly and initialed by the Clerk, and which shall be kept on file with the Planning Board. The applicant shall execute these instruments and cause them to be properly recorded with the Middlesex North Registry of Deeds as soon as reasonably practicable after taking title to the property, and in no event later than issuance of the first building permit associated with this project. Any revision of these instruments shall require the review and approval of the Planning Board, acting through its Chair, and no revision shall cause an instrument to be inconsistent with the terms of this special permit.

4. No amendment of the Condominium Trust and/or of the Master Deed that would affect the requirements of the Special Permit shall be effective unless approved by the Planning Board, and duly recorded with the Middlesex North Registry of Deeds.
5. Each dwelling unit shall have in residence at least one person who has reached the age of 55 and no resident of any dwelling unit shall be under the age of 18; provided, however, that in the event there is no longer a qualifying resident of a unit, a two-year exemption shall be allowed for the transfer of the unit to another eligible household. The Master Deed, Condominium Trust, and all unit deeds shall expressly incorporate this age restriction.
6. No dwelling unit may contain more than two bedrooms.
7. At least four (4) weeks prior to the construction of, or any related site clearing in connection with, the construction of the access roadway, the residential buildings, and/or utilities, well, fire cistern, drainage facilities or other infrastructure set forth on the Plans (collectively, "Infrastructure"), the applicant shall submit a Construction Management Plan ("CMP") to the Planning Board and to the Building Commissioner in accordance with Sec. XII.2 of the Senior Residential Open Space Community Rules and Regulations ("SROSC Regulations") for review and approval. Said CMP shall include a proposed Construction Sequence Plan identifying the months during which phases of construction are expected to occur, and making all reasonable attempts to avoid construction activities in the flood plain during normal high water months or construction that would impede traffic flow on Russell Street in any months except July and August.
8. At least two (2) weeks prior to the construction of or any related site clearing in connection with the construction of any Infrastructure, the applicant shall provide the NPDES permit and Stormwater Pollution Prevention Plan to the Conservation Commission and the Planning Board for their review.
9. Prior to the construction of or any related site clearing in connection with the construction of any Infrastructure, the applicant shall mark the limits of the area(s) to be disturbed, and mark any trees on the periphery of those areas that are to remain. The Board's consulting engineer shall review these designations before any work commences, and, in each case, before any blasting is undertaken. The applicant shall notify immediate abutters in advance of the consulting engineer's site visit.
10. Prior to the initiation of any construction, a pre-construction meeting shall be held with representatives of the following, as applicable: Planning Board, Conservation Commission, Board of Health, Building Commissioner, public safety officers, applicant's engineer, Board's peer review engineer, property owner and site contractor(s). There may be a series of such meetings, depending upon the timing of the work and contractor(s)' responsibilities and schedules.
11. In any portion of the site to be disturbed for construction, the applicant shall conduct a geotechnical probe every 50 feet in areas to be excavated, except in areas of fill greater than 2 feet, to determine the extent of ledge. If ledge is found, the applicant shall present a plan of action to the Planning Board that provides an estimate of the quantity of rock removal, how rock will be removed, and, where applicable, noise mitigation measures proposed and an abutter notification plan. Such measures shall be consistent with the Planning Board's Policy for Noise Control, as adopted on November 21, 2011, or as it may subsequently be amended.

12. Where construction of the Infrastructure requires blasting, the applicant shall comply with all state and local fire department regulations, including without limitation the use of blasting mats, pre-blast surveys of all structures within 250 feet, and post-blast inspections as requested by abutters to determine and correct any damage incurred. No perchlorate shall be used in the blasting process.
13. Stockpiling of materials within 400 ft. of Russell Street shall be minimized to the extent practicable and in no event shall stockpiling of materials greater than 100 cu. yds. be maintained within 400 ft. of Russell Street for more than 60 days.
14. A stone veneer in Colonial Tan or Newport Mist as specified by New England Stone Veneer, in larger sizes of stones (primarily 8" or greater diameter), as reviewed and approved by the Planning Board, shall be applied to the exposed downstream side of the rebuilt Russell Street culvert wall.
15. Russell Street is a public way, and although the Applicant is required to arrange for the performance of the work detailed in Finding #21 above and on the Plans, it is understood that the road itself is under the care, custody and control of the Town of Carlisle and that all materials installed in, on, under and within the right of way will become the property of the Town. Therefore, when contracting for all materials and work associated with the required Russell Street improvements, the Applicant shall expressly provide in a form acceptable to Town Counsel that all performance guarantees and material warranties shall be automatically assigned to the Town of Carlisle upon completion of said improvements.
16. The proposed on-site trail parking area and mailbox delivery site shall be paved, handicapped-accessible, and plowed and maintained by the Condominium Association. The location of the mailbox facility shall be substantially as shown on the Plans, to be approved by the U. S. Postal Service.
17. The proposed trail is to be constructed on Open Space Parcel A and within the trail easements by the Town through its Trails Committee after Parcel A is conveyed to the Town.
18. The Town, acting through its Trails Committee, may install and maintain a kiosk for display of trail information and signage for trail users adjacent to the trail parking area.
19. When complete, the proposed on-site trail parking area and all portions of the trail on the applicant's property shall be open to the public from dawn to dusk.
20. The applicant and its successors shall maintain the non-forested land and vistas as defined on the Plans in accordance with the Covenant for Meadow Maintenance.
21. All utility services shall be installed and maintained underground, except for standard appurtenant above-ground components, including those allowed by FCC regulations.

22. The property at 77 Russell Street must remain accessible for all vehicles, including emergency vehicles, at all times during the construction period. The applicant or his contractor shall give 48-hour prior notice by hand to the owner(s) or occupant(s) of that address of any construction activity that might interfere with that access.
23. The driveway from Russell Street to the turnoff to 77 Russell Street must have a paved surface continuously, except that it may consist of hard-packed, well-drained gravel for no more than 30 days during the construction period.
24. The applicant or his contractor shall give 48-hour prior notice by email to all parties in interest who have provided the Town with their email addresses, and to the Superintendents of the Carlisle Public School and the Concord/Carlisle Regional High School, of any construction activity that will restrict through traffic on Russell Street.
25. The applicant or his contractor shall also notify the Superintendent of Public Works and the Police Chief of any construction activity that will restrict through traffic on Russell Street, provide for any necessary Police details, and post appropriate signage on Concord Street and School Street informing the public of the construction schedule.
26. Granite address and directional markers consistent with those specified on the Planting Plan, with lettering in a contrasting color, shall be installed at all access roadway intersections in the locations specified in the Plans.
27. The access roadway and its shoulders shall be plowed from Russell Street to the end of the cul-de-sac, including the trail parking area, in such a way as to keep the address and directional information continually visible.
28. Parking on the entire roadway shall be prohibited, including within the cul-de-sac circle and, as shown on the Plans, signs shall be installed and maintained indicating "No Parking – Fire Lane."
29. Parking for the residential units shall be prohibited in the trail parking area and a sign shall be installed and maintained there indicating "Trail Parking Only – Dawn to Dusk."
30. Residential units shall be numbered sequentially, 1 – 16, with even numbers on the south side of the roadway and odd numbers on the north, as approved by the Building Commissioner. The numbers should be a minimum of 4 inches high, affixed to the building near the front door of each unit.
31. No permanent structures other than the eight duplex residential structures shown on the Plans shall be allowed on Parcel 1, except for those required for the provision of utilities or otherwise expressly allowed by the Special Permit.
32. The exercise of this Special Permit also requires compliance with all conditions established by the Carlisle Conservation Commission and the Carlisle Board of Health associated with

approvals they may have issued for construction of the facilities associated with this Senior Residential Open Space Community. An Irrigation Plan and narrative shall be submitted to the Board of Health for their approval and incorporated within the Covenant for Operations and Maintenance. If the existing residential well on the site is used for irrigation, it shall be subject to conditions of approval from the Board of Health for a new well.

33. The applicant shall designate a construction supervisor, whose contact information shall be provided to the Town and to all immediate abutters, and who will be on the site during all active construction associated with work on the Subdivision access roadway and within the Russell Street right of way.
34. Inspections of the construction of the Subdivision access roadway, Russell Street, and all associated infrastructure approved under this special permit shall be undertaken by the Board or its designated agent in accordance with Section XII.B of the SROSC Regulations and Article IV, Sec. 2 of the Planning Board's Rules and Regulations Governing the Subdivision of Land.
35. No building permit shall be issued for construction of any residential unit until the applicant shall have recorded a certified copy of this decision with the Middlesex North District Registry of Deeds. A deed granting Open Space Parcel A to the Town of Carlisle or its designee shall be recorded with this decision. Copies of the recorded decision and deed shall be filed with the Town Clerk, the Building Inspector and the Planning Board.
36. Prior to endorsement of the Definitive Subdivision Plan, the applicant shall provide a covenant as provided for in M.G.L. c41, §81U(3), executed and duly recorded by the owner of record, running with the land, providing that the road and installation of all infrastructure related to the Subdivision access roadway shown on the Plans shall be completed before the property (excluding the Open Space Parcel) may be built upon or conveyed. Upon the initiation of construction activity, the applicant will provide as an alternative means of security an agreement, satisfactory to the Planning Board, that provides for retention by the applicant's lender of funds otherwise due the applicant to secure the construction of the road and the installation of all infrastructure related to the Subdivision access roadway shown on the Plans. Said agreement shall provide that if the applicant does not complete said work within three (3) years or as otherwise extended by the Planning Board at a regular meeting, the funds remaining undisbursed shall be made available to the Board to arrange for completion.
37. No rough inspections shall be undertaken by the Building Department for the construction of residential structures on Lot 1 until the private roadway providing access to that lot has been completed to the binding course of pavement and all drainage facilities, exclusive of final grading, loaming, seeding, and landscape plantings, have been constructed in accordance with the approved Plans and the Planning Board's requirements, as certified by a statement from the design engineer, and reviewed and approved by the Board's consulting engineer, and provided to the Planning Board, the Building Commissioner, and the Town Clerk.
38. No above-grade construction of residential structures may be initiated or framing lumber brought to the site until the proposed fire cistern, including all controls, is installed and operational, as certified by the Carlisle Fire Department.

39. No occupancy permit shall be granted for any unit until the reconstructed culvert under Russell Street and the regrading and paving of Russell St. have been completed in accordance with the approved plans and reviewed and approved by the Superintendent of the Department of Public Works. Any modification to the timing of this condition must be approved by the Planning Board.

40. No occupancy permit shall be granted for any unit until there shall have been filed with the Town Clerk, the Building Commissioner and the Planning Board a statement by the design engineer, and reviewed and approved by the Board's consulting engineer, certifying to the satisfaction of said design engineer that the finished grades and final construction details of the roadway and other paved areas, and the drainage systems, including the roof drains and drywell(s) for said buildings, but exclusive of final grading, loaming, seeding, and landscape plantings, have been constructed in accordance with the Plans and with standard engineering practices.

41. Occupancy permits for the fifteenth and sixteenth units to be occupied shall not be granted until the completion of all work under the Special Permit. At that time, the applicant shall submit to the Planning Board As-Built Plan(s) of all Infrastructure in accordance with the Planning Board's Rules and Regulations and of all structures, including interior layouts in all units, demonstrating compliance with the approved special permit. When said final compliance is certified by the Board's consulting engineer, the Board shall release all remaining funds then being withheld by the applicant's lender pursuant to the Tripartite Agreement, or any subsequent bond or other surety offered that has been agreed to by the Board and the Board's consulting engineer.

42. The special permit will lapse if substantial use of the permit has not commenced within two (2) years from the expiration of the appeal period, except for good cause.

Further provisions:

This decision does not exempt the applicant from the necessity of complying with all other applicable federal, state and local statutes, bylaws and regulations.

The Town Clerk has on file a copy of the application, plan and decision. Any appeal of this decision shall be made according to M.G.L. Ch. 40-A, Sec. 17. A copy of such appeal must be filed with the Town Clerk within twenty (20) days after the filing of this decision in the Clerk's office.

Planning Board vote:

Andon	Approve	Larson	Approve
Freedman	Approve	McMorrow	Abstain
Gambino	Abstain	Rolfe	Approve
Lamere	Approve	Stevens	Approve
Lane	Approve		