

Town of Carlisle

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Office of

PLANNING BOARD

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Minutes

June 12, 2006

Minutes 5/8/06, 5/22/06, executive session minutes 4/24/06 and 5/08/06

Bills

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Discussion of potential amendments to Special Permit Rules and Regulations for Accessory Apartments to incorporate zoning bylaw amendments (Sec. 5.6) approved by 2006 Town Meeting

Request for additional consulting engineer's review of Common Driveway Special Permit As-Built Plans for 136-138 East Street, Theodore Treibick, applicant [Request of Fire Department]

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 41 condominium units/12 affordable of attached housing to be known as "Coventry Woods," on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Request to review plans for improvements to Town's "pocket park" in the Center on Lowell Street (Request of Land Use Team)

Report on progress to obtain necessary approvals and design of footpath parallel to Cross St., as authorized in consideration of approval of Greystone Crossing Conservation Cluster special permit.

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29 (motion to go into executive session may be entertained)

Joint Public Hearing with Carlisle Tree Warden of request to remove five (5) trees and approximately 41 feet of stone wall within the right of way of Cross Street adjacent to Map 7, Parcel 38, to create two common driveway entrances to the Greystone Crossing Conservation Cluster, under the provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, S. 15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of William Costello]

Public Hearing of request to remove approximately 17 feet of stone wall within the right of way of Cross Street adjacent to Map 7, Parcel 21-3, to create a driveway entrance to a proposed single family dwelling, under the provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) [Request of William Costello]

Request for additional extension of time to complete Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) [Request of Robert Koning]

Discussion of completion of Great Brook Estates Subdivision roadway, 195 Rutland Street (Map 26, Lot 18F) [Request of Ira Gould]

Request for response to Pedestrian & Bike Safety Advisory Committee's proposal for pathway surfaces

Notice to Selectmen of potential violation of provisions of common driveway special permit serving 31 & 43 Aaron Way [Notice of Joseph E. Sacco]

ANR Plan: 268 Fiske Street, Map 30, Parcel 11, John Ballantine, applicant

ANR Plan: 554 River Road and 38 Prospect Street, Map 1, Parcels 32 & 29, Douglas W. and Janice A. Deyoe, applicants

ANR Plan: 1005 Curve Street, Map 28, Parcels 8-1A & 8-11A, Philip J.S. Gladstone, applicant

David Freedman called the meeting to order at 7:34 pm in the Clark Room at Town Hall. Board members **Michael Epstein, Greg Peterson, Brian Larson, Kent Gonzales**, associate member **Tom Lane**, and Planning Administrator **George Mansfield** were present. **Peter Stuart** arrived at 7:35 pm...

Gretchen Caywood, assistant to the Planning Administrator, Gary Davis (DPW Superintendent), George Dimakarakos (Stamski & McNary), Ira Gould (P.O. Box 654), Betsey Goldenberg (111 Pine Brook Road), John Ballantine (268 Fiske Street), Francene Amari-Faulkner (43 Bedford Road), Jan Deyoe (554 River Road, Peg and Philip Gladstone (1005 Curve Street), and Bob Zielinski (Carlisle Mosquito) were also in attendance.

Minutes

The PB reviewed the minutes of the regular session of 5/8/06. Epstein requested 3 changes and Larson moved to accept the minutes as edited. Peterson seconded and the minutes were approved 6-0. The PB then reviewed the regular session minutes of 5/22/06. Larson requested one change. Epstein moved and Stuart seconded the approval of the minutes as edited, and the PB approved 5-0-1, with Epstein abstaining.

The PB then briefly entered into Executive Session to review the minutes of Executive Sessions of 4/24/06 and 5/8/06.

Joint Public Hearing with Carlisle Tree Warden of request to remove five (5) trees and approximately 41 feet of stone wall within the right of way of Cross Street adjacent to Map 7, Parcel 38, to create two common driveway entrances to the Greystone Crossing Conservation Cluster, under the provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, S. 15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of William Costello]

Dimakarakos (Stamski and McNary) pointed out that this hearing addresses alterations necessary for the construction of the Greystone Lane and Captain Wilson Lane common driveways. No members of the public spoke in favor of or opposition to this request.

For the Captain Wilson Lane common driveway, the entrance to the Lane is proposed on the easterly side of Cross Street between Bingham Road and South Street, and will require the removal of a 21-inch oak and a 16-inch oak, which are located across from utility pole number 33 on Cross Street. Freedman ascertained that Davis (Tree Warden) is in agreement with the tree removal.

Epstein moved to approve the removal of two oak trees (16" and 21") at the entrance to Captain Wilson Lane pursuant to the plan entitled Scenic Road Alteration Plan Cross Street/Captain Wilson Lane for William Costello dated May 5, 2006. The PB is authorizing removal of these trees based on public safety concerns and the fact that there are no other reasonable measures to preserve the two trees. Gonzales seconded, and the motion passed the PB vote 6-0 and was also approved by the Tree Warden.

For Greystone Lane, Dimakarakos explained that it would be necessary to remove a 41 foot length of stone wall, a 5-inch pine and two oaks (24-inch and 20-inch). Freedman ascertained that as much of the stone wall as possible would be retained, and that Davis did not feel the trees need to be saved.

Epstein moved to approve the removal of 41-feet of stone wall as set forth in the Scenic Road Alteration Plan of Carlisle, MA for Cross Street/Greystone Lane for William Costello dated May 5, 2006. Larson seconded and the motion was approved 6-0. Epstein then moved to approve the removal of a 5-inch pine, a 24-inch oak and a 20-inch oak at the entrance to Greystone Lane pursuant to the plan entitled Scenic Road Alteration Plan of Carlisle, MA for Cross Street-Greystone Lane for William Costello dated May 5, 2006. The PB is authorizing removal of these trees based on public safety concerns and the fact that there are no other reasonable measures to preserve the trees. Larson seconded and the motion passed the PB 6-0 and was also approved by the Tree Warden.

Gonzales ascertained that the stones removed from the wall will be used to improve the existing wall where possible.

Public Hearing of request to remove approximately 17 feet of stone wall within the right of way of Cross Street adjacent to Map 7, Parcel 21-3, to create a driveway entrance to a proposed single family dwelling, under the provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C)[Request of William Costello]

Dimakarakos explained that the alteration is necessary for the construction of a driveway for the proposed dwelling on Parcel 21-3., and is located along the right of way on Cross Street. The driveway is proposed on the westerly side of Cross Street between Bingham Road and South Street, south of the two houses currently being built. The alteration will require removal of approximately 17 feet of stonewall located about 50 feet south of utility pole number 32. No members of the public spoke in favor of or in opposition to the request.

When asked if it was possible to move the proposed driveway entrance instead, Dimakarakos pointed out that it will increase the driveway grade beyond the current 10% at the proposed location, and this is not recommended. Freedman confirmed that the stone wall will be properly finished with either end stones or granite posts on either side of the driveway entrance. Epstein asked if Costello would consider donating the old stones from this stone wall and from the one referred to in the prior hearing of this meeting to the Town. Dimakarakos expressed that Costello would give the Town's DPW first option.

Epstein moved to approve the removal of 17-feet of stone wall as shown on the Scenic Road Alteration Plan of Carlisle, MA for William Costello dated May 5, 2006, for land located on Map 7, Parcel 21-3, with the condition that the applicant will provide to the Town the stones from the removed stone wall at the option of the Town, and the remaining wall be finished in a manner befitting a traditional dry stone wall at the ends using dry stones or granite posts. The PB is authorizing removal of the stone wall section based on public safety concerns and the fact that there is no reasonable alternative. Stuart seconded and the motion passed 6-0.

Discussion of completion of Great Brook Estates Subdivision roadway, 195 Rutland Street (Map 26, Lot 18F) [Request of Ira Gould]

Gould informed the PB that he would like to install the finish coat of pavement and final improvements on the roadway for this subdivision. He is filing a Notice of Intent with ConsComm for this work and also wanted to check with the PB. The binder coat has now set through the winter, and the finish pavement should be done now. Gould updated the PB that Lot 1A will be under agreement by the end of this month, although the residence is not yet constructed. Lot 2A is not under agreement yet. Gould's goal is to finish the sidewalk and berms in the next 30 – 60 days. He added that while he had stripped and repaved the first 250 feet, it needs to be done again, since paving during bad weather had resulted in deterioration. Freedman added that any present damage must be repaired as well.

Mansfield suggested to Freedman and the PB that the Town engineer at LandTech should inspect the current condition of the binder before the final paving is performed. Mansfield directed Gould to contact Chris Lorrain at LandTech, who is now performing engineering work for the Town.

When Larson inquired as to the load limit for the binder material, Gould did not know, and added that the binder is not intended to be down for more than one year without the finish pavement, as has been the case. Mansfield pointed out that the specifications for binder layer thickness are in the plans approved in 2000.

Gould will advise LandTech of the date for repairs and final paving well in advance. After he meets with ConsComm on this issue, he will proceed with these arrangements. Mansfield suggested that Gould explain the order of events for this process to the LandTech engineer.

Request for additional extension of time to complete Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) [Request of Robert Koning]

Mansfield explained to the PB that since the litigation did not resolve the question about the valid lot line in favor of the applicant, this subdivision approval needs another extension, and the applicant is requesting an additional year. He added that the Land Court is likely to want a more near term resolution.

Stuart moved to extend by one year the allowed time to complete the Maplewood Definitive Subdivision Plan, located on Map 17, Lots 17A-1 through 17A-5. Peterson seconded the motion, and it passed 6-0.

Request for response to Pedestrian & Bike Safety Advisory Committee's proposal for pathway surfaces

Mansfield reported that the Pedestrian & Bike Safety Advisory Committee had submitted a proposal for an approach to paving of the Town's pathways, and that they have requested a written response by June 22nd. Freedman said that the options for paving materials and their maintenance, aesthetic and cost issues were discussed at a recent Land Use Team meeting. They considered the use of gravel, asphalt, and organic binder composites.

The proposal attempts to balance the issues, and suggests using the organic binder composite on pathways throughout the Town's historic district, and asphalt on pathways in the remaining areas of Town. For Bedford Road, the existing crushed stone pathway surface would be retained, with the addition of more stone followed by recompacting. The BOS is in support of this proposal.

Freedman noted that this is the same organic binder system that Costello will use on the Cross Street path. Gonzales added that it is also on the Minuteman Path in Concord.

Epstein inquired as to the cost differences, and Freedman said that if all paths were done with the organic binder system the cost would be approximately \$500,000. If done with all asphalt, the cost would be about \$300,000. The proposed approach is estimated to cost \$350,000, with \$150,000 for the organic binder pathways and \$200,000 for the asphalt pathways. The PB agreed that the organic binder composite is easier to maintain and repair than asphalt, and felt that the proposed approach was reasonable. Mansfield will prepare a written response to this proposal.

Request to review plans for improvements to Town's "pocket park" in the Center on Lowell Street (Request of Land Use Team)

Mansfield informed the PB of the invitation to a site visit to the park by project coordinator Sabrina Perry at the time of their choice on Saturday, June 17th, or another Saturday to be chosen by the PB. During this visit, she will highlight the proposed design concept created by Lowell Robinson, Landscape Architect. The proposed changes include the removal of old telephone poles, replacement of the present fence, addition of two or three granite benches, addition of a paving material (to be determined) to the parking area, addition of many plantings, - and also involves a scenic road hearing for a tree removal that will take place at the July PB meeting.

Mansfield said that while some do not feel that a site plan review is necessary for this project, he feels that one is necessary, as does the Building Commissioner, Robert Koning. Freedman added that at the recent meeting of the Historical Commission at which a public hearing on this project was held, drainage issues were a concern but were deferred as an issue for the PB. Drainage may be altered on this site, as the proposal includes resurfacing of the parking area, with the exact nature of the surface yet to be determined. However, if a site plan review is not conducted, the drainage issues cannot be addressed. Mansfield said that site plan review would require a drainage plan, which would help assure thorough investigation of drainage alteration concerns.

The PB deferred further discussion of this issue, and of the need for site plan review, until after their site visit, which they decided would be 10:00 am on Saturday, June 17th. Caywood will inform Ms. Perry of the PB's time selection for the site visit.

ANR Plan: 268 Fiske Street, Map 30, Parcel 11, John Ballantine, applicant

Mansfield summarized that the applicant intends to subdivide his property into two building lots, and build a house on the back lot. The entire plan is under a conservation restriction (CR), and the applicant is using the plans to amend the CR and create building envelopes that are not subject to the CR. He is also expanding a current trail easement on the property, giving access to a canoe launch and the Town-owned cranberry bog.

Mansfield noted two issues. One is that the existing CR prohibits the subdivision of the land, but the CR cannot be amended until the ANR plan that shows the two new lots and the building envelopes is endorsed and recorded. Willard (Conservation Administrator) and Ken Harte, who negotiates CRs, think that the PB should not sign the plan. Joe March (Stamski and McNary) thinks the PB can sign, assuming that the recording of the plan, not the endorsement, creates the actual division of land (that is currently prohibited in this case).

The second issue is that the applicant is requesting endorsement of a second "CR" ANR plan that has been requested by the state, as the state does not want all the added information that the PB usually requires on an ANR plan (finding it too hard to read). Mansfield suggested that the PB endorsement block be removed on this plan. March agrees with this approach and suggests his preparation of an "81X Plan" once the ANR itself is endorsed. The applicant is unsure whether the State will be in agreement with this approach.

Peterson suggested submitting the CR ANR plan with no PB endorsement block and indicating to the state offices that the ANR plan will be endorsed by the PB when the CR has been amended. Epstein suggested that Mansfield hold the ANR until we have received evidence that the CR amendment has been approved and recorded. Mansfield, Freedman and Peterson will prepare a letter to submit to the State to this effect. Freedman pointed out that indicating intent to endorse, but not actually endorsing the plan this evening would not start the 21 day clock after which the plan is deemed approved.

Therefore, Peterson moved that the PB not accept the ANR plan as submitted, and that Mansfield forward a letter to the State CR office that the PB will endorse the ANR provided that an amended CR has first been approved and recorded. Gonzales seconded, and the motion passed 6-0.

Mansfield will hold the Form A and check submitted by the applicant.

Epstein left the meeting at this point.

ANR Plan: 1005 Curve Street, Map 28, Parcels 8-1A & 8-11A, Philip J.S. Gladstone, applicant

Mansfield reminded the PB that this plan had been submitted at a prior PB meeting and not accepted for endorsement, as it did not show the existing driveway or identify the existing lots being combined. It combines two existing lots in common ownership into one lot. The lots contain one non-conforming structure and one new dwelling. The non-conforming structure is an old barn with virtually no setback from Curve Street. The new dwelling is on a pork chop lot.

Mansfield noted that while the plan has been revised to show the driveway, and the lot's shape factor has been added, the existing lot numbers are still not noted. It is not Stamski & McNary's policy to note them when no new parcels are being created. Mansfield recommended endorsement, as the lack of existing lot numbers should not materially affect the plan once recorded.

Larson moved to endorse as approval not required the plan of land in Carlisle, MA for 1005 Curve Street, located on Map 28, Parcels 8-1A and 8-11A, dated May 17, 2006, and prepared by Stamski & McNary for Philip J.S. Gladstone. Gonzales seconded, and the motion carried 5-0.

ANR Plan: 554 River Road and 38 Prospect Street, Map 1, Parcels 32 & 29, Douglas W. and Janice A. Devoe, applicants

The purpose of this ANR plan is to allow an exchange of parcels between owners of two presently developed legal non-conforming lots. 554 River Road (Parcel 32) is a 3.1 acre lot with 151 ft of frontage on River Road. Therefore, it lacks sufficient frontage for a standard lot, and sufficient area for a pork chop lot. Its frontage on Prospect Street cannot be counted for zoning compliance. 38 Prospect Street (Parcel 29) is a 1.2 acre lot with 150 ft. of frontage, and is therefor non-conforming in both frontage and area.

The plan divides part of Parcel 32 with access on Prospect Street into two parcels. The larger parcel with street frontage (Lot 6A) is to be combined with Parcel 32 to make 38 Prospect Street a conforming lot with over 2 acres of land and 300 ft frontage. Lot 6B is then added back to Parcel 32. 554 River Road remains non-conforming since it still lacks adequate frontage, but its extent of non-conformity will not be increased.

Mansfield recommended that on forwarding of this plan to the Assessors, the PB request the lots be renumbered to Parcels 29A and 32 A for consistency. Mansfield also noted that since wetlands to the rear portion of Parcel 32 do not interfere with threshold access, he was in agreement with the engineer that it is not necessary to show them on this plan. He recommended that the PB waive this requirement.

Larson moved to endorse as approval not required the plan of land in Carlisle, MA for 554 River Road and 38 Prospect Street, located on Map 1, Parcels 32 and 29, dated June 5, 2006 and prepared by Stamski & McNary for Douglas and Janice Deyoe, notwithstanding that wetlands are not being shown as they do not have impact in this case, and the requirement that wetlands be shown has been waived. Peterson seconded the motion and it passed 5-0.

Preparation of rules and regulations for Personal Wireless Communications Facilities bylaw (Broadcast Signal Lab – Planning Board/joint subcommittee.

Larson gave a progress report on the activities of the Wireless RFP ad-hoc working group, whose members are Bill Tice (BOS), Peter Yelle (a resident industry professional), and Larson. He stated that they had recently gone before the BOS with a suggested process for obtaining RFPs (Request for Proposal). The group suggested a two-phase approach. The first phase would involve preparing recommendations for the PB for both strategy and direction, including recommended financial and technical approaches. This phase would be performed by Larson and the group. The second phase would involve reports and hearings on what an RFP should contain. The group's opinion was that phase 2 should be performed by the BOS.

Freedman pointed out that the PB has funds remaining in Professional Services category that can be used by the end of this fiscal year (June 30, 2006) for phase 1 work with David Maxson of Broadcast Signal Labs (BSL). He added that this funding is suitable for determination of the direction of the RFP, but that the PB had decided that the BOS should fund the RFP itself.

Larson requested allocation of \$4650 for the use of BSL services toward phase one, estimating that this phase should take 30-60 days to complete, and the information would be provided to the BOS. The phase one information will include: identifying exact potential locations for wireless equipment installation, interactions with carriers, strategy for the sites (including suggested equipment), and overall recommendations (including financial strategy). Gonzales reported that approximately \$1200 of additional funding would be needed for updating the rules and regulations for wireless. Larson informed the PB that the BOS is in agreement with their suggested two-phase approach, and understands that the second phase is not funded by the PB.

Larson moved that the PB encumber \$4650 of FY06 funds from Planning and Professional Services budget for a contract with David Maxson from Broadcast Signal Labs to perform the tasks of preparing specific recommendations to the BOS on how to formulate an RFP, with a financial and technical strategy. Stuart seconded and the motion carried 5-0.

Notice to Selectmen of potential violation of provisions of common driveway special permit serving 31 & 43 Aaron Way [Notice of Joseph E. Sacco]

Mansfield referred to a notice given to the BOS regarding a drainage violation in association with a common driveway approved in 1981. The approved plan did not include a culvert that was shown on a contemporary septic plan and has since been built. A neighbor contends that this culvert is directing water onto his property. Mansfield and Koning (Building Commissioner) met with the neighbor, and Koning suggested he notify the BOS. Mansfield suggested that the PB communicate with the BOS on this matter. The neighbor had recently contacted Mansfield and asked if the Town had responded to this yet. Freedman said that the PB must wait for the BOS to come to us.

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 41 condominium units/12 affordable of attached housing to be known as “Coventry Woods,” on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Mansfield reported that the peer reviewer on this project has not provided comments since the last ZBA meeting. The next session of the public hearing is June 19th. Since the PB has not received a response from the ZBA yet, the PB will not take any action before the 19th. Epstein will attend that hearing.

Mansfield reported that he had reviewed the Greystone conditions and requirements to see if any would be adaptable for Coventry Woods. In most cases he found there was not much relevance. An exception was that these condominiums should have something similar to a homeowners’ association, and the bylaws for the Greystone Association included all of the maintenance requirement for the driveways and the drainage structures. Mansfield also pointed out that the proposed Protective Buffer Areas will require easements and restrictions, to be specified by the ZBA, and lighting and noise restrictions (for HVAC facilities) should be considered to protect the neighbors. Also, there should be a construction management plan for any blasting/earthwork and for construction traffic control, as examples.

GIS development task force

Mansfield reported that Bill Tice (BOS) had asked if the problems with access to the GIS data on the Town server had been corrected. He and Tice also discussed the PB’s concern that the Town must decide if it will authorize additional contracts for this work.

Discussion of potential amendments to Special Permit Rules and Regulations for Accessory Apartments to incorporate zoning bylaw amendments (Sec. 5.6) approved by 2006 Town Meeting

Mansfield provided copies of excerpts from the zoning bylaws for several MA towns that illustrate their approach to Affordable Accessory Apartments (AAA), adding that the Towns do not seem to generate Rules and Regulations for issuance of their AAA special permits, but provide the detail in their bylaws. These towns included Lincoln, Billerica, Scituate, and several towns on the Cape. Many of these towns vest that authority in their ZBA, and published ZBA procedures are difficult to find.

At 10:00 pm, Stuart moved that the PB enter into Executive Session to discuss ongoing litigation, Larson seconded and the motion carried unanimously (5-0).

Gretchen Caywood
Administrative Assistant
Carlisle Planning Board