



Town of Carlisle

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Office of

PLANNING BOARD

MINUTES

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April 25, 2005

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Affordable Housing Task Force update from David Freedman

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

PB Chair **Louise Hara** called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board members **David Freedman, Kent Gonzales, Peter Stuart, and Phyllis Zinicola** were present, along with Planning Administrator **George Mansfield** and PB Administrative Assistant **Helen Boos**. Members Ray Bahr and Rich Boulé were absent.

Minutes

The minutes of the last meeting were reviewed and amended. Freedman **moved to accept the minutes of April 11, 2005 as amended**. Zinicola seconded the motion and it carried 5-0.

Budget

PB members reviewed the upcoming Warrant Articles to be presented before Town Meeting on May 23, but had no comments.

Staff Performance Evaluation

The PA will email the blank evaluation forms to PB members, as well as staff goals and objectives. PB members agreed to send their input to Hara by 5/2. The PA's evaluation is scheduled to be completed on 5/9, and the administrative assistant's on 5/20.

Benfield Parcel A Planning Task Force update from Phyllis Zinicola

Zinicola reported on the latest developments in the planning process, and the PB reviewed draft site plans for Plan A (ball field in front) and Plan B (ball field incorporated with housing in the interior of the site). Zinicola explained recent Task Force discussions focusing on the high ground water elevation of the ball field in Plan A and cost estimates for fill, as well as the intrusion of the ball field into wetlands which might necessitate a reduction in the size of the ball field.

Selectman **John Ballantine** and Task Force members **Ray Kubacki** and **Allen Carpenito** joined the PB during this discussion to elaborate on the details. Ballantine said that the PB will be asked to express its position at Town Meeting on 5/23.

Ballantine, PB members, and Task Force members discussed the advantages and disadvantages of the two plans, especially the location of the ball field, citing problems in Plan A with the ball field's ground water elevation, intrusion into wetlands, neighbors' objections, and potential traffic/safety problems and associated costs; and in Plan B, the problems and costs associated with the ball field due to cut and fill and proximity to stone wall, the need to move housing into potential ledge areas and closer to neighbors to accommodate the ball field, and the possibility of relocating the road's South Street entrance. PB members did not reach consensus and decided to define the Board's position at the next PB meeting on 5/9.

Ballantine said that the two plans will be discussed at the Selectmen/CPC meeting on 4/26, and he encouraged members of the PB to attend and express their views. Gonzales said he was already planning to attend as a member of the CPC.

Zinicola explained that Plan A is the default plan, which means that if the Task Force recommends Plan B, then the Town will vote on whether or not to accept Plan B; if Plan B does not receive a two-thirds vote, then Plan A will be implemented. Ballantine said the Task Force is leaning toward recommending Plan B.

Hara pointed out that between 5/9 and 5/23 there might be significant new information from, for example, the archeological survey that might impact the PB's position, and she suggested that another PB meeting may be needed just prior to Town Meeting.

Discussion of abutters' concerns with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29

Charles Bennett, 125 Berry Corner Lane, explained his position in the dispute, saying that he would agree to allowing the Valchuis brothers to build on their lot on Berry Corner Lane under the same conditions of the maintenance agreement expressed by abutters at the PB meeting on 4/11, provided that the signatories to the agreement are the successors of the four original land owners, and that there are no substantial changes to the service provided by the Town, such as snow plowing. He reiterated that all residents on Berry Corner Lane now are ready to move forward with negotiations, and that they are not willing share in the cost of road improvements. He said that when he moved in, he and his wife received notice that they had been added to the Valchuis' lawsuit naming residents of Berry Corner Lane.

PB members said that they understand the concerns of the residents of Berry Corner Lane, and they thanked Bennett for meeting with the PB and making his position clear.

Wireless Bylaw Subcommittee

Gonzales reported that the subcommittee has not had an opportunity to meet yet.

Discussion of PB participation in Senior Tax Relief Program

The PB decided to discuss this issue at a later date, when needs for next fall become clearer.

Summer meeting schedule

The PA proposed PB meetings for 6/13, 6/27, 7/18, 8/1, and 8/22. Some members were not sure if they would be available on 7/18 and 8/1. The PA said he would check with members Boulé and Bahr, and with associate member Tom Lane to check their availability in order to ensure that there would be enough members present for a quorum on any special permit hearings that might be open at that time, but the Board tentatively agreed on holding meetings on all the above dates except 8/1.

Pine Brook Road ANR Plan (Map 35, Parcel 13, Barbara V. Trainor, applicant)

The PA informed the Board that a plan had previously been endorsed on this property but has been resubmitted to correct a surveying error. He explained that the borders of the property have been adjusted, but otherwise it is the same plan.

Freedman moved to endorse as Approval Not Required the Plan of Land in Carlisle, MA, for Barbara Trainor for a parcel fronting on Pine Brook Road, drawn by Stamski & McNary on March 17, 2005. The motion was seconded by Zinicola and carried 5-0.

Request for recommendation to Selectmen re: laying out of Davis Road as a public way

The PA explained that the certificate of completion for Pine Meadow was issued in November 2004, and that all issues have been resolved except that it appears that sand has not been swept off the road; however, it was pointed out that this sand is probably the accumulation of sand put down this winter. He explained that State law requires the Selectmen to get a recommendation from the PB on whether or not the road that they are laying out meets standards. The PA further explained that if the Selectmen approve the road layout at their meeting on 4/26, then the proposal to accept the road will be voted on at Town Meeting.

Freedman moved to advise the Selectmen that the road has been constructed according to the standards of the rules and regulations of the Planning Board and Subdivision Control Law, and that because all conditions pertaining to drainage issues and obstruction in the right-of-way had been successfully resolved, the Planning Board had approved its certificate of completion in November 2004. Stuart seconded the motion, and it carried 5-0.

Request for participation in long-range planning process for Gleason Library

Three long-range planning meetings for the library will be held on 5/2, 5/16 and finally in September. The PB was invited to send a representative, and Freedman volunteered.

Request of Cingular Wireless for minor modification to plans regarding 189-foot-high wireless communications tower and facilities at 871 Bedford Road (Map 11, Lot 1) as authorized by Final Judgment in settlement of litigation in U.S. District Court v. Carlisle Zoning Board of Appeals (Request submitted by Town Counsel)

Members reviewed a letter from Town Counsel of 4/13 asking the PB to concur that Cingular's proposal to enclose the ground-based equipment within a shelter instead of outdoor equipment cabinets is consistent with the PB's conditions and does not warrant a formal session before the Board. PB members discussed the details and agreed that the new structure is acceptable. The PA will report the PB's position to the Town Counsel.

Discussion of potential amendments to Conservation Cluster Special Permit Rules and Regulation (Request of Conservation Commission)

There was no discussion on this topic, pending further input from ConsCom.

GIS

The PA reported that GIS consultant Janice Bernsee has expressed continued concern about receiving deliverables and their accompanying data on time and as agreed from Applied Geographics, especially labels and descriptions crucial for understanding the data layers and attributes within a layer, delivered on or before 6/30 when funding runs out. Members suggested creating a more specific list of deliverables and asking Applied Geographics to commit specifically to each one, and they suggested asking Applied Geographics to provide a draft of the necessary documentation. The Board asked the PA to write a shorter memo to Applied Geographics reiterating the specific concerns of Bernsee and the PB.

The PB discussed contacting other towns with GIS experience such as Concord and Westford for information and feedback on other potential GIS /consulting groups.

Freedman **moved to authorize the Planning Administrator to ask Bernsee to extend for two more months, until 9/1/05, to continue checking deliverables from Applied Geographics, and to offer \$100 remuneration to Bernsee to attend an ArcGIS training seminar on 5/26/05.** Stuart seconded and the motion carried 5-0.

The PA reported that the PB has received tentative approval from the Town Administrator to purchase licensed, compatible software for the Planning office's computers.

Affordable Housing Task Force update from David Freedman

Freedman reported that the needs assessment is done and that there is a meeting on 4/28 to discuss housing strategies. Gonzales reported that he forwarded Freedman's email summarizing the PB's position to Caren Ponty, chair of the CPC, concerning the proposal to appropriate \$10,000 for an affordable housing development/accessory apartment consultant, but that he has not received a response from her yet.

Members reviewed and discussed information tabulated by the PA, at Hara's request, in the document titled "Carlisle residential development since 2000."

The PA passed information to Freedman from the Town Administrator on procedure for paying the Affordable Housing Plan consultant.

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

At 11:00, Freedman moved and Zinicola seconded a **motion to go into executive session to discuss pending litigation regarding Berry Corner Lane, not to return to regular session.** The Board was individually polled and unanimously agreed to the motion.

At 11:40, Freedman moved and Zinicola seconded a **motion to come out of executive session and to adjourn.** The Board was individually polled and unanimously agreed to the motion.

Respectfully submitted,

Helen Boos
Administrative Assistant