



Town of Carlisle

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Office of

PLANNING BOARD

MINUTES

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MINUTES

October 25, 2004

Minutes

Progress on selection of review engineer

Continued Public Hearing for requests for two Common Driveway Special Permits at 967 West Street (Benfield Parcel B: "Apple Grove Lane," Map 5, Parcels 47, 47A, 47B, 48, & 51) and parcels adjacent to 894 West Street Benfield Parcel C: "Hobblebush Lane," Map 5, Parcels 17, 17-1, 17-2, 17-3, & 17-4), Northland Residential Corp., applicant

ANR Plan for 617 Westford Street, Map 16, Lot 3, Joseph and Mary Martines, applicants

Continued Public Hearing for request for Common Driveway Special Permit, 186 Rutland Street, Richard Blanchard, applicant

Executive Session

Budget

Community Preservation Committee alternate

Certificate of Completion for Pine Meadow Lot 15, Davis Road

GIS

Pictometry

Board of Selectmen's Expedited Permitting

Open Space & Recreation Plan – request for input

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**, **Ray Bahr**, **Kent Gonzales**, **Peter Stuart** and **Phyllis Zinicola** were present, along with Planning Administrator **George Mansfield**. Associate Board Member **Tom Lane** and the new PB Administrative Assistant **Helen Boos** were also present.

Minutes

The minutes of the last meeting were reviewed. Freedman moved to **accept as amended the minutes of September 27, 2004**. Gonzales seconded the motion and it carried 6-0.

Board member **Rich Boulé** arrived at 7:42.

Selection of review engineer

Mansfield will check references for VHB and GPR, recognizing, however, that GPR is in a dispute with the PB through Town Counsel regarding billing for depositions associated with prior litigation by wireless providers vs. the Board of Appeals.

Continued Public Hearing for requests for two Common Driveway Special Permits at 967 West Street (Benfield Parcel B: "Apple Grove Lane," Map 5, Parcels 47, 47A, 47B, 48, & 51) and parcels adjacent to 894 West Street (Benfield Parcel C: "Hobblebush Lane," Map 5, Parcels 17, 17-1, 17-2, 17-3, & 17-4), Northland Residential Corp., applicant

The applicant **Frank Stewart** of Northland Residential Corporation was present with his associate of Metro West Engineering, **Rob Gemma** to present their revised plans. Also present were Carlisle residents: **Ken Harte** of 64 Estabrook Road, **Greg Peterson** of 63 Indian Hill Road, **Tena Herlihy** of 33 Sunset Road, **Alex and Joey Edsall** of 875 West Street. **Michael Benfield** of 154 Butler Road, Monson, MA, and **Peter Benfield** of 84 Paul Revere Road, Needham, MA were also present.

The PA informed the Board that since the last meeting, the applicant submitted 3 sets of plans: one set of revised plans for Applegrove Lane (one copy each for the PB and the Fire Chief), and two sets of revised plans for Hobblebush Lane, one with a Y turnaround, and one with a circle turnaround with a fifty-foot outside radius. Unfortunately, due to a death in the Fire Chief's family, the PA and designated Board members were not able to meet with the Fire Chief until Thursday, October 21. PB members reviewed a memo from the Fire Chief dated October 23, 2004, which is a summary and follow-up of that meeting.

Apple Grove Lane

The PA noted that discussions are still ongoing, and in fact, he had received a fax just before this PB meeting containing the Fire Chief's response to the fire protection engineer's review of the proposed dry hydrant system. The PB reviewed the contents of that fax.

The PA informed the Board that Nitsch Engineering had not yet reviewed the revised plans, awaiting the finalized plans. Gemma commented that there are no unresolved issues from Nitsch's comments, as concerns regarding drainage design or analysis had already been addressed. The PA said that Bill Doyle (the engineer from Nitsch Engineering assigned to this project) had said he wanted to review the plans again once everything was final.

Stewart reminded the Board that the proposed dry hydrant system was not sent to the Town civil engineer because it was decided that if an independent fire safety engineer reviews the specifics of the system and deems them acceptable, that would suffice.

Stewart then explained that one of the few tasks remaining had been to redesign the plan for putting the dry hydrant into the pond with very little disruption to the side of the pond. Northland Residential has devised such a plan and submitted it to an independent fire protection engineer, Maurice Pilette of Mechanical Designs, Ltd., who has accepted the plan, saying that the dry hydrant will function very well, it will work with existing equipment, and it will draw 1,500 gallons of water per minute.

Freedman commented that the PB is not able to judge whether the fire safety engineer's evaluation is accurate or not, and therefore is in no position to comment on the Fire Chief's comments about that evaluation, for example, regarding head loss estimates, static lift, time for the suction primer draft to operate, etc. Stewart responded that this fire safety engineer is the one who wrote the State codes. Gemma said he would send the Chief Flannery's comments to Mechanical Designs for a point-by-point response, and he would forward that response to the PB.

Gemma then summarized progress on trails issues. He said they met with the Conservation Commission and explained what had been discussed at the last PB meeting. He said that they plan to improve the trail from West Street through the wetland crossing within the existing easement, working directly with the Commission throughout the process because the Commission has a detailed procedure regarding wetland crossings. The plan, in general, is a type of boardwalk through the wetland area, and also, if necessary, some type of stairs from the trail to West Street.

Ken Harte of 64 Estabrook Road expressed satisfaction with the proposed plan.

Hara apologized on behalf of the Trails Committee, saying that the Committee reviewed the plan and discussed it, but was not able to visit the site due to other trail projects that are currently very time-consuming. However, they would like to work with Northland Residential on the trail specifics later in the process. Stewart explained their preliminary thoughts on using pre-made masonry stairs, but said he will have more details at a later date.

Freedman asked how they plan to demarcate non-buildable areas so that area residents will be clearly informed. Clearly marked boundaries would curtail the incidence of residents unknowingly placing structures or recreational equipment on non-buildable land, which they would then later be forced to remove.

Greg Peterson of Indian Hill Road and also of the Carlisle Conservation Commission, expressed willingness to work with Northland and suggested small signs to demarcate non-buildable areas. Stewart said they try to use natural features whenever possible, such as stone walls. Also, he explained that their deeds, covenants and other documents make the

restrictions clear, and that their restrictions are often more restrictive than the Conservation Commission's. He added that building envelopes within the non-CR-restricted areas will further limit development.

In answer to a query from the PA, Stewart confirmed that this information is contained in the Declaration of Covenants and Restrictions and the Declaration of Trust documents, page 10, and that these documents also contain the Maintenance Agreement. The PA noted that it is standard practice for the PB to reference the Maintenance Agreement in the decision regarding the common driveway as a condition, and then the zoning protections of a special permit would overlay these private agreements and make the owners responsible for maintaining the area north of the driveway free of development and the building envelopes subject to zoning enforcement. Stewart said that that is true, but that they usually try to find natural features, such as wetlands, by which to locate building envelopes that naturally discourage building in the non-buildable areas.

Stewart explained that septic systems can be placed in the non-buildable areas, but only if they cannot be fit into the buildable areas. On this property, all of the septic systems are located in a buildable area, so the only encroachment into the non-buildable area is the driveway that crosses a wetland. Stewart offered to set stone bounds with eighteen-inch exposure in upland areas, as needed.

Peterson extended thanks to Stewart for "going above and beyond," calling attention to the permanent, State-approved, Selectmen-approved CRs, which provide for a huge level of protection, even before the deed covenants that contain another layer of protection. Furthermore, these CRs contain a provision that funds their own enforcement, so that if it becomes necessary to take enforcement action and the court rules against the landowner, the landowner has to pay the lawyers' fees for enforcement. Board members asked how the landowners would know about these restrictions, and Stewart assured them that the landowners will see this information clearly when they sign the paperwork. Harte mentioned that enforcement at a later date is actually an issue with the Carlisle Conservation Foundation (CCF), not the Planning Board.

Stewart responded to a question from the last meeting regarding plowing the shoulders of the driveway. He reiterated Northland's preference for wider driveways so that the shoulders do not need to be plowed; however, there is a clause in the maintenance agreement for clearing, maintenance, and repair of the driveway and shoulders. Hara commented that there is sometimes discord between landowners concerning the length of the driveway that each routinely uses, depending on where their home is located along the driveway. Stewart explained that they have drawn up the agreements so that each of the four landowners will contribute equally, which he stated as reasonable considering that there are only four landowners, and that each benefits equally in case of a fire emergency. Board members discussed language to make sure that the shoulders will be kept clear of brush as well as obstructions such as light poles, fences, etc. Stewart said they will make these suggested changes in the language.

Hara summarized the Police Chief's comments: agreement on the street names, concerns about the increase in traffic, and concern about the ledge across from the West Street entrance, which is something that the DPW would address. Stewart asked that the PB visit the site and decide if the ledge is an issue that Northland needs to address or not. Hara mentioned that this may be an issue the town needs to address. **Michael Benfield** of 154 Butler Road, Monson, MA, commented that the town had already lowered the ledge (probably about thirty years ago) so that drivers could see over it. Hara said there was a traffic study last June and that there were about 2,500 cars in both directions per day. Zinicola said that the town will do a traffic study to determine the impact of the proposed twenty-six houses and ball field on Parcel A of the Benfield land, which also includes these eight homes. Stewart pointed out that these homes are existing lots, and that the common driveway is significantly safer than eight separate driveways, a point that Hara said she had already discussed with the Police Chief.

Board members summarized the actions that should result from these discussions:

- Condition to improve trail
- possible condition to remove ledge across from West Street entrance
- revisions regarding clearing of the side of the shoulders in the covenant
- bounds condition (which Stewart said he will do with or without a condition)

(list continued on next page)

- reference to recommendations of Mechanical Designs
- condition that upon completion the dry hydrant be able to draw a minimum of 1,000 gallons per minute, equal to the requirements for a cistern. (The Fire Chief had recommended a maximum of 1,500 gallons per minute, which is the fire truck's capacity.)

Hobblebush Lane

Discussion then turned to plans for Hobblebush Lane, noting that the West Street entrance had been narrowed and the cistern moved 200 feet up the driveway. Freedman outlined the Fire Chief's preference for a circle turnaround with a fifty-foot centerline (sixty-foot outside) because of the way the trucks would pull up in an emergency. Freedman summarized that the Board needs to decide between a Y-turnaround, a circle turnaround with a fifty-foot centerline radius, or a circle turnaround with a smaller radius. Members discussed the possibility of an inside shoulder and tree loss. Gemma said that the area is heavily wooded, so losing some trees would not make a significant impact. Members also noted that a Y-turnaround serves only two homes and so would need another driveway for the third home, whereas a circle could serve three. Although his initial inclination was toward a Y-turnaround, Stewart expressed satisfaction with a circle turnaround, considering the Fire Chief's preference and other particulars of this parcel of land. PB members agreed that, under the circumstances, the best choice in this particular case is a circle turnaround with a fifty-foot outside radius, a two-foot shoulder inside the pavement, and a two-foot shoulder outside the pavement. Board member Stuart suggested that the PB continue discussions with the Fire Chief so that CD regulations will be developed and the next CD application can be handled quickly and efficiently.

The Board confirmed that issues with the cistern had been addressed and resolved.

Concerning the proposed name, the Police and Fire Chiefs have both approved the name ("Hobblebush"). On the other hand, the developer's marketing manager did not approve the other name choice ("Lime Kiln Road," a reference to an historic lime kiln in the area). The Board agreed to retain the name "Hobblebush."

Freedman moved to **continue the public hearing on November 8, 2004 at 7:45 p.m.** Zinicola seconded, and the motion carried 8-0.

ANR Plan for 617 Westford Street, Map 16, Lot 3, Joseph and Mary Martines, applicants

The applicants submitted this plan to reverse the ANR plan of one year ago that divided their 4-acre plot of land. The applicants apparently had not realized at that time that they were dividing their land, as they had only contracted for the land to be surveyed. When they received the new tax assessment, they investigated, realized what had happened, and submitted this ANR plan to join the two pieces of land back together again.

Freedman moved to **waive the \$200 filing fee.** The motion was seconded by Boulé and carried 7-0.

Freedman moved to **endorse as Approval Not Required the Plan of Land at 617 Westford Road for Joseph and Mary Martines drawn by Stamski and McNary dated October 13, 2004.** The motion was seconded by Bahr and carried 7-0.

Continued Public Hearing for request for Common Driveway Special Permit, 186 Rutland Street, Richard Blanchard, applicant

Representing the applicant, **George Dimakarakos** of Stamski and McNary presented his revised plan.

The PA summarized events since the last meeting: on September 30th, Dimakarakos sent a memo to the Fire Chief reporting on the analysis of the proposed dry line and calculation for friction losses and pipe specifications; on October 6th, Land Tech submitted comments to Stamski and McNary from their follow-up review, and then on October 14th Stamski and McNary revised their plans and re-submitted them to Land Tech for another review, and finally on October 20th, Land Tech responded that all concerns expressed in their previous correspondence had been addressed; the Police Chief reviewed the plan and found no public safety issues; the Covenant has been updated to incorporate dryline maintenance revisions.

The Fire Chief had asked Dimakarakos to calculate the pressure drop due to the thirty-two-foot change in elevation. Dimakarakos calculated a 14 psi drop in pressure, which, when added to the 74 psi drop calculated for the pipe, makes the total drop in pressure 88 psi. Since they are proposing a plastic pipe instead of the standard five-inch hose, there is less pressure drop due to friction, so even with the 88 psi drop in pressure, the pressure would still be equal to the pressure if they used the standard 5-inch hose for the same distance with no elevation change.

Board members discussed the Fire Chief's recommendation that the pipe have the carrying capacity of 1,000 gallons per minute. Dimakarakos said that the pipe can handle it, but that how quickly the water moves through the pipe depends on the pump they use. Dimakarakos expressed the difficulty of making exact calculations considering all the variables of pump specifications and locations.

PB members agreed to include condition that the Fire Department will test the dryline at the completion of construction to determine that it has the minimum carrying capacity of 1,000 gallons per minute.

PB members discussed the possible damaging effects of plowing the shoulders as described in the maintenance agreement. Dimakarakos stated that the shoulders are vulnerable regardless of plowing and generally need to be attended to each year in the springtime.

Comments from the review engineer Land Tech included recommendations to change the grading around one of the culverts, to add a two-foot dimension to the drainage swale, and to reduce the space between the guard rail posts located at the Y-intersection for greater strength in case of a head-on impact. Dimakarakos has incorporated all three changes as recommended.

In conclusion, the Board found that one driveway is safer and preserves the environment better than two; clearing and blasting are minimized; provisions have been made for firefighting and for driveway maintenance; and snow removal and drainage have been adequately dealt with.

Boulé moved to **approve the special permit application for the common driveway at 186 Rutland Street as per the plan by Stamski and McNary dated May 24, 2004, revised last October 14, 2004 with the conditions as noted.** The motion was seconded by Freedman, and it carried 6-0 with 2 abstentions from Lane and Stuart.

At 10:03 p.m., Associate PB Member Tom Lane left the meeting.

1230 Westford Street

Town Clerk, Charlene Hinton and Cindy Nock, Chair of the Board of Appeals were present.

A motion was made to go into executive session for the purpose of discussing a strategy for potential litigation concerning 1230 Westford Street. Hinton advised the Board that it may not be a proper purpose for executive session since there is no pending litigation, and the Board decided to continue discussion in open session.

With input from Cindy Nock, the Board reviewed the actions of the BOA in clarifying the decision to issue a special permit for the extension of the non-conforming use at 1230 Westford Street.

At 11:05 p.m., Ray Bahr left the meeting.

Community Preservation Committee

Gonzales requested an alternate to attend the CPC meeting on October 28, 2004. Freedman **moved to designate Boulé alternate Planning Board representative on the Community Preservation Committee.** Zinicola seconded the motion and it carried 6-0.

Gonzales will confirm that attendance is required for their next meeting and notify Boulé.

Conditions for Wireless Facility at 871 Bedford Road

The PA noted that a copy of the final agreed-upon conditions, forwarded by Town Counsel, had been included in the PB meeting packet. The Board did not suggest any changes.

Pine Meadow

Freedman **moved that the Planning Board grant a certificate of completion and release of security for the Pine Meadow Definitive Subdivision Plan.** Stuart seconded and the motion carried 6-0.

GIS

Boulé **moved to extend Janice Bernsee's contract to December 31, 2004.** Stuart seconded and the motion carried 6-0.

Stuart **moved to increase the hourly rate for Janice Bernsee's services under contract to \$15.00 per hour.** Freedman seconded the motion and it carried 6-0.

A suggestion was made that Bernsee be authorized to work more hours per week for the PB, but after discussing further, Board members decided that Bernsee might need additional hours for the work she does for the Conservation Commission and Board of Health.

The discussion also included the topic of where to locate the other computer previously purchased by the PB and a large-format printer that Bernsee and others could use for GIS work so that Bernsee no longer needs to coordinate work time and space with the PB administrative assistant, the Conservation Commission, or the Assessors. The Town Administrator has reported to the PA that the Selectmen have determined that such technology should be implemented through a Technology Plan (that would encompass technology used by police, schools, etc.) to be developed by a Technology Committee, which has yet to be appointed. Until that time, she has said, it is best not to undertake multi-departmental projects. If the PB wishes to move ahead on its own, she said the space for the project has to come from the space already allotted to the Planning Board. Unfortunately, this space is too small for three people to work simultaneously, especially since Bernsee's work also requires a large enough area for laying out plans. Various possible solutions were discussed, but the Board decided that the best, if imperfect, solution is to set up the computer as a server linking several computers to the same system so that Bernsee would be able to move between several offices, depending on which is not in use. Earlier, Bahr had expressed dissatisfaction with this plan, but it was not clear to Board members exactly why he opposed it. Boulé explained that it might slow up the system.

Freedman **moved to authorize the Planning Administrator to engage the computer specialist, David O'Hearn to set up the Planning Board computer and server, pending possible input to the contrary from Bahr.** Boulé seconded and the motion carried 6-0.

Pictometry

Pictometry software and aerial imagery data allows users to display features such as buildings, land areas/parcels, and hydrology from several directions and at different scales, and allows users to locate and measure any feature. It is now being offered free to all communities in Massachusetts, distributed through the MAPC, through an agreement between the Massachusetts Highway Department (MHD) and the Pictometry International Corporation of Rochester, NY. The package includes the Electronic Field Study (EFS) software program, 2-way oblique imagery for each community, and training materials and sessions (dates and times to be announced later).

Freedman **moved to ask the Town Administrator to accept the offer for free Pictometry and training, and to suggest Melissa Stamp (in the assessor's office) as a user.** Boulé seconded and the motion carried 6-0.

Board of Selectmen's consideration of General Laws, Chapter 43D -- Expedited Permitting

The PA brought a new statute to the attention of the Board. Adopted by the Legislature this summer, the new law offers municipalities an opportunity to "streamline" the development permitting process. The Selectmen are interested in

considering being among the first to adopt Chapter 43D as a local option. If Town Meeting were to adopt the law, the Town would then have to designate a new “office of permit coordination” that would conduct all hearings and issue all permits for land development, overriding the Conservation Commission, Board of Appeals, Historic Commission, and some permitting authority of the Fire Department, among others. All permitting activities authorized by the Zoning Act (Chapter 40A), whether Planning Board or BOA, would also be subsumed. Not included are actions under the Subdivision Control law (including ANRs), comprehensive permits (40B), or building permits, which would continue to be issued separately.

The PA reported that at a brief presentation on this new law that he attended last month by Bob Ritchie, Assistant AG for zoning, Ritchie pointed out the extremely limited time periods such an office would have to act on an application, especially the 10 days allowed for the municipality to determine whether application materials were complete, or face issuance of a constructive grant.

The PA continued, saying that the legislation may have been inspired by the perceived shortage of housing production in Massachusetts, especially affordable housing. However, analysis of the statistics (see website www.massapa.org) by Jeff Lacey and Douglas Bliss, show that the relative shortage may not be what it seems.

Board members discussed the issue and agreed that if the Board of Selectmen is serious about adopting the new law, the PB would like to be consulted (as should the Board of Health, Conservation Commission, and Historical Commission). The PA was asked to formally convey this to the Board of Selectmen through the Town Administrator.

Open Space and Recreation

Freedman summarized the work that the OS&R Re-write Committee is doing now: every 5 years, the Committee re-writes the OS&R report, at which time they ask the Boards how they have progressed in their goals stated five years previously, and what their goals are for the next five years. They are primarily concerned with open space, but there are also more general planning and zoning issues. Freedman asked the Board if they are interested in proposing amendments to the zoning bylaw. For example, he explained the idea of “open space neighborhoods,” where the two-acre minimum lot size would be modified to allow less than two acres in exchange for land used for open space.

Board members agreed that the topic is worthy of discussion when the issues can be explored more in depth. The PA agreed to review and modify the draft of PB initiatives for the OS&R report.

At 12:15 p.m., the Board unanimously adjourned the meeting.

Respectfully submitted,

Helen Boos
Administrative Assistant