

# Town of Carlisle

MASSACHUSETTS 01741

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Office of

## PLANNING BOARD

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### Minutes

May 8, 2006

Minutes 4/24/06

Bills

Budget

GIS Development Task Force

Town Hall Technology/web site

LandTech's consulting engineering services

Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions

Development of additional GIS data layers and technical support [Applied Geographics-Planning Board]

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)

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)

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.

Endorsement of approved plans for "Greystone Crossing," Conservation Cluster, and three (3) Common Driveways, "Trillium Way," "Captain Wilson Lane," and "Greystone Lane," comprised of 15 building lots and 5 open space parcels within 47.3 acres located on Cross Street and Bingham Road (Map 7, Parcels 35, 36, 37, 38, 47, and 59) [Special permits approved 3/27/06]

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

Discussion of potential amendments to Special Permit Rules and Regulations for Personal Wireless Communications Facilities to incorporate zoning bylaw amendments (Sec. 5.9) approved by 2006 Town Meeting

ANR Plan: 83 and 97 McAllister Drive, Map 36, Parcels 28 & 30, Karen L. Andon, applicant

ANR Plan: 301 and 333 Concord Street, Map 15, Parcels 17, 19, and 21, Niels O. Larson, applicant

ANR Plan: 509 and 545 South Street, Map 5, Parcels 4, 5, and 6, Sidney G. Macrae Trust No. 1, applicant

**David Freedman** called the meeting to order at 7:35 pm in the Heald Room at Town Hall. Board members **Louise Hara, Brian Larson, Kent Gonzales**, and Planning Administrator **George Mansfield** were present. **Michael Epstein** arrived at 7:38 pm. **Peter Stuart** arrived at 7:42 pm. **Ray Bahr** was absent.

Gretchen Caywood, assistant to the Planning Administrator, Melissa McMorrow (301 Concord St.), Doris and Niels Larsen (333 Concord St), Charles Bennett (125 Berry Corner Lane), Keith Therrien (78 Berry Corner Lane), Thierry Copie (69 Berry Corner Lane), and Bob Zielinski, Carlisle Mosquito reporter, were also present.

### Minutes

The PB reviewed the minutes of the 4/24/06 meeting. Hara moved to approve the minutes as drafted, Larson seconded and the motion carried 4-0-1, with Gonzales abstaining. The review of minutes of the Executive Session of 4/24/06 was held until the 5/22/06 PB meeting.

**GIS Development Task Force**

Freedman reported that he, Hara and Mansfield met with representatives of Applied Geographics in Boston recently. They should be able to conclude their work by June 30<sup>th</sup>, which is important as the encumbered funds are only available until then. GIS hosting was discussed, and can be done through a website. Applied Geographics would charge approximately \$15,000 to set up the hosting, and \$3000/year to host Carlisle’s GIS and provide an annual update. Hara added that an additional contract would be required to have them handle all updating of our GIS data. Freedman said that the proposed agreements are similar to those of PeopleGIS, whose fees were much cheaper. The PB should decide whether either of these options should be recommended to the Town. Freedman pointed out that with the GIS hosted through the proposed website already under contract, it would be readily accessible to the residents.

**Discussion of potential amendments to Special Permit Rules and Regulations for Personal Wireless Communications Facilities to incorporate zoning bylaw amendments (Sec. 5.9) approved by 2006 Town Meeting**

Gonzales reported that revisions on these rules and regulations (R&R) should only take a few hours of the consultant’s (David Maxson) time. He added that the Wireless Bylaw Subcommittee (WBS) will stay in existence to draft R&R revisions in order to minimize the use of the consultant. A draft of the revisions will be circulated to all on the PB. This work also will be completed by June 30<sup>th</sup>.

Freedman asked Gonzales to develop a plan with Maxson and to do a first pass at the R&R revisions providing a time estimate. Since this work is not part of Maxson’s current contract, the contract will need to be amended, with additional contract amendment for preparation of a RFP. Freedman also asked Mansfield to confirm that the Town Clerk will send the Section 5.9 Bylaw Amendments to the State Attorney General by Wednesday of this week. The Bylaw Amendments must be approved by the State before an RFP can be issued for any wireless work to be covered under these Amendments.

Gonzales reminded the PB that a new committee should be formed to determine how to move forward with wireless in Carlisle, as this requires additional wireless expertise. Peter Yelle has offered to be part of this committee. Larson has agreed to chair this new committee.

**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**

In light of the approval of these proposed amendments at Town Meeting, the R&R for Accessory Apartments (AA) also need revision. Freedman asked Epstein to review these R&R’s, and added that the Housing Authority will be drafting its own R&R’s for Affordable Accessory Apartments. He added that the consultant on this work, Toby Kramer, has recently provided AA guidelines.

Epstein asked Caywood to locate examples of R&R from other towns such as Billerica and Lincoln

**ANR Plan: 301 and 333 Concord Street, Map 15, Parcels 17, 19, and 21, Niels O. Larsen, applicant**

Mansfield summarized that Parcels 17 and 21 are owned by the Larsen family and are for sale. The plan creates a new buildable pork-chop lot of Parcel 17 by obtaining 44.6 ft of frontage from Parcel 19 (owned by McMorro) and adding it to the existing 18.2 feet of frontage. In exchange, Larsen will deed 0.23 acres of land from Parcel 21 to Parcel 19 to make this a 2-acre conforming lot.

Mansfield added that the wetlands on Parcel 17 are currently flagged and are the subject of an ANRAD filing with ConsComm. On visiting the site, Mansfield saw that the wetlands are close to the frontage of the proposed pork-chop lot. Both Mansfield and Willard (Conservation Administrator) believe that the wetlands do not prevent threshold access to this lot.

A discrepancy in these plans is that the lot lines shown dividing Parcel 17 from Parcel 21 (toward the rear of the lots) do not match the current lines of record. There is also a discrepancy in lot lines between lots 17 and 19 in the older plans. If this current plan were to be endorsed and then recorded by the applicant (at the Middlesex North Registry of Deeds), there will be several recorded plans with different lot lines. This should be prevented by correcting the information at this point. Also, Stamski and McNary (S&M) cannot make a judgment as to which of the lines in former plans (from 1968 and 1959) are correct.

After discussion, Freedman asked the applicant to redraft the deeds associated with the properties on these plans, and to come back to the PB with draft deeds that show consistency with the proposed ANR, and denoting the new building lots as 17A, 19A, and 21A. The PB also recommended that the applicant get acceptance of the new deeds from their mortgage holders prior to returning to the PB. Also he suggested not showing old lot lines on the plan in this case, to avoid confusion. Once this information is brought before the PB, they will endorse the ANR acknowledging prior lot line confusion, and that the information presented corrects that confusion.

Therefore, the PB did not endorse the ANR plan as properly submitted, but returned it to the applicant. The applicant's check for the ANR fee will be held and not deposited until a new ANR is submitted.

**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)**

Berry Corner Lane residents Therrien, Bennett and Copie were in attendance for an update on this issue. Therrien reported that one neighbor is selling and has filed in LandCourt to be released from this pending lawsuit.

Freedman reported that the Planning Board is continuing discussions with the plaintiff's attorney to try to settle the case. The plaintiff purchased one of the four shares in the deed to the roadway from a prior owner. Valchuis has proposed that they will do repair work on the roadway and related drainage structures. While the PB realizes the roadway needs to be brought up to standard, a maintenance agreement is required. Also, work on this roadway requires a new Order of Conditions with ConsComm, as the previous order has expired. The PB believes the corresponding Notice of Intent (NOI) will require the signatures of all owners of the roadway including the Plaintiffs. Also, Freedman explained that all residents of the Lane would be required to sign onto the Maintenance Agreement for the roadway, including those who are not among the four owning the roadway.

Therrien reported that he, Bennett and the other residents of the lane had spent \$5000 to regrade the road last fall. He added that all 5 residents and owners of the Lane except Valchuis contributed to the regrading costs.

Freedman said that he thought Valchuis was offering to pay for all new work done on the roadway, and that this is part of the negotiation. He added that the PB was requiring a new plan, and that engineers will be examining the roadway to see what needs to be done to correct any problems.

When Freedman asked if the neighbors were comfortable with Valchuis having a buildable lot on the roadway, they agreed with some hesitation. Therrien added that he wants to be sure that Valchuis finishes any work on the road if they tear it up again. Bennett added that when he moved into his home in 2001, that very day Valchuis introduced himself and presented a maintenance agreement for his signature. When Bennett said he would need to look it over first before he could sign, Valchuis immediately said that then he would "add him to the lawsuit, but that it was nothing personal."

Freedman thanked the residents of the lane for attending and for providing their input.

**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]**

Mansfield reported that he had visited this site and while the turnaround has been paved, it appears that less area was paved than was previously marked by gravel. Therefore, it is not certain if there is sufficient turnaround radius for the fire trucks. Treibick has agreed that the Landtech engineer be sent out to reinspect. Mansfield

added that while plantings were added at the edge of the embankment, they were not properly placed to mark the edge of the T-turnaround.

Freedman stressed that LandTech needs to look at the site to assess potential safety issues and to measure the turning radius. Also, Mansfield pointed out that the worst side slope grade is at the entrance. While this slope may be less of a concern once the utility pole is removed, the PB is being asked to approve the site with the pole in place and with an escrow account for work necessary after the pole is removed. Epstein expressed strongly that the PB should not approve this plan before the pole is removed by the utility company unless the PB has some assurances from LandTech that the entrance is safe in the interim.

A third issue is that the plan requires granite signs of 4' or more in height with numbers. Currently, there are plastic signs, one of which is improperly placed. These three issues will need to be corrected before this Common Driveway can be approved as complete by the PB.

**LandTech's consulting engineering services**

Mansfield reported that Mark Sleger (LandTech) has resigned from LandTech and will be leaving Friday, May 12, and that he had spoken with the President of LandTech, Chris Lorrain, concerning the Town's work that Sleger is involved with. The PB indicated that it felt comfortable with Lorrain taking over the Town's cases on the part of LandTech if this was possible.

Mansfield circulated contact information to the PB on other engineering firms that the Town could consider working with, if necessary. Freedman asked Mansfield to make informal inquiries of these firms to assess their interest and availability. Epstein suggested making sure that the LandTech engineer can handle the numerous assignments that Sleger was involved with for the Town, and Stuart suggested that other engineers be interviewed by the PB. Mansfield added that, if the entire workload cannot be continued by LandTech, the Greystone Crossing case should be moved, as it is the newest project as well as a large one.

**ANR Plan: 83 and 97 McAllister Drive, Map 36, Parcels 28 & 30, Karen L. Andon, applicant**

Mansfield reported that the additions and corrections the PB requested, such as the setback dimensions, the common driveway pavement, and the spelling corrections, have all been made to the plan the PB saw at the last meeting.

After reviewing the revised plans, Hara moved that the plan of land drawn for Karen L. Andon by Stamski and McNary for property at 83 and 97 McAllister Drive dated May 2, 2006 be endorsed as Approval Not Required. Stuart seconded and the motion passed 6-0.

**ANR Plan: 509 and 545 South Street, Map 5, Parcels 4, 5, and 6, Sidney G. Macrae Trust No. 1, applicant**

Mansfield reported that this plan proposed to divide Parcel 5 into two parcels – one to be combined with Parcel 4 to make that currently developed lot a conforming lot, and the other to be combined with Parcel 6 (held by a common owner). He added that making Parcel 4 a conforming lot will allow for a probable tear-down and replacement without being subject to the 150% floor area limit on a new house imposed by the Bylaws. Parcel 6 will then have conforming frontage, but will not be conforming in area. Mansfield added that it is not likely that Parcel 6 will become conforming in area, as the only adjacent land left is the Town's Benfield parcel.

Hara moved that the plan of land drawn for the Sidney G. Macrae Trust No. 1 by Stamski and McNary for property at 509 and 545 South Street dated May 2, 2006 be endorsed as Approval Not Required. Stuart seconded and the motion passed 6-0.

**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)**

The ZBA had forwarded the revised ‘conceptual plan’ for the PB’s review and feedback. Mansfield reported that the ZBA’s Special Counsel has also asked the PB to review a draft of the conditions of approval of the Comprehensive Permit. He added that the next ZBA meetings are May 15<sup>th</sup> and June 19<sup>th</sup>. Freedman said that Low Impact Development (LID) be considered for Coventry Woods, and that a PB member should attend both meetings to stress this.

Epstein expressed that the only plans provided for this site are incomprehensible, the list of waivers is incomplete and a completed one needs to be submitted, and the 30-page draft comprehensive permit needs a thorough review. Also Epstein was not comfortable that the only engineering work so far requested is storm water work, while much work remains to be done. Epstein felt that generally, a certain amount of engineering work needs to be done before the comprehensive permit is issued. For example, water testing should be done. Freedman added that these discussions need to happen as there are no state standards for required engineering work for a comprehensive permit, and it is a town by town issue (unlike some conservation and health issues that are state regulated).

Speaking as a resident and abutter to the land under consideration for this development, Epstein (57 Spencer Brook Lane) reported that a Memorandum of Understanding (MOU) is still under negotiation between the developer, the abutters, and the Town. One major issue is water testing. The developer is resisting the abutters’ engineer’s recommendation on a water testing protocol. Also, there should be a third-party escrow account to address post-construction and occupancy issues that invariably arise, and the developer is resisting this as well. Finally, the landscaping plan is insufficiently detailed. The abutters have hired their own landscape architects.

Freedman requested that before the May 15<sup>th</sup> meeting, he, and Mansfield will draft a memo to the ZBA detailing these concerns, and will also ask the ZBA to address LID. Epstein also suggested giving the ZBA examples of what the PB would like to see on the plans by providing the requirements for a SROSC, including grading, utilities, and detailed landscape plans.

At this point, Freedman, on behalf of the PB, expressed his appreciation and thanks to Hara for 7 years of dedicated service to the Carlisle PB, as this is her last evening on the Board.

At 10:15 pm, Stuart moved to go into Executive Session to discuss ongoing litigation and not to return to regular session. Hara seconded and the motion passed unanimously (6-0).

Respectfully submitted,

Gretchen Caywood  
Administrative Assistant  
Carlisle Planning Board