

Town of Carlisle

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Office of

PLANNING BOARD

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June 26, 2006

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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)

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

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.

Informal discussion of conceptual plans to subdivide 24.6 acres of property at 400 Rutland Street (Map 36, Parcels 23 & 26) [Request of Peter Howe]

Land Court Order of Remand of Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) in case of Sacks et al. v. Koning (motion to go into executive session may be entertained)

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

David Freedman called the meeting to order at 7:31 pm in the Clark Room at Town Hall. Board members **Michael Epstein**, **Brian Larson**, **Peter Stuart**, **Tom Lane**, and Planning Administrator **George Mansfield** were present. **Greg Peterson** arrived at 7:35 pm. **Kent Gonzales** was absent.

Gretchen Caywood, assistant to the Planning Administrator, Peter Howe (Bedford, N.H.), Martha Howe (Lowell, MA), Marc and Virginia Lamere (Rutland Street), John Bakewell (Rutland Street), Sylvia Sillers (Concord Street), Bob Hilton (Lowell Street), Linda Myers-Tierney and Steven Tierney (Lowell Street), Annette Lee (Lowell Street) and Bob Zielinski (Carlisle Mosquito) were also in attendance.

Minutes

Epstein suggested one clarification to the draft minutes of June 12, 2006. Larson then moved to approve the minutes of June 12, 2006 as amended. Peterson seconded and the motion passed 6-0.

Summer Meeting Schedule

Freedman pointed out that the next ZBA meeting is on the same night as that chosen for the July PB meeting, due to an altered meeting schedule for the PB in the summer. Since this ZBA meeting will include a hearing on Coventry Woods which some from the PB are interested in attending, the PB agreed to move their July meeting to Monday, July 24th. Freedman reported that he will be unable to attend the August 21st meeting, but that the meeting should proceed as long as a quorum of PB members can be present.

Organization of 2006-07 Board

The PB discussed and decided upon the positions of Chair, Vice Chair, Treasurer and Clerk for the next fiscal year. Lane moved that Larson remain Treasurer, Freedman remain Chair, Epstein remain Vice Chair, and Stuart remain Clerk for the PB for FY07. Stuart seconded this slate and the motion carried 6-0.

Mansfield requested that a Board member be designated for approving bills for fiscal year 2006 (ending June 30th) expenditures. Epstein moved and Peterson seconded that Freedman be designated to approve PB bills received through July 11th for purchases through year end, and the motion carried 6-0.

Concerning appointees to other boards and commissions, Peterson moved that Gonzales be appointed to the Community Preservation Act Committee, Stuart be appointed to the Historical Commission, Freedman be appointed as MAGIC representative, and Lane be appointed to the Long Term Capital Requirements committee. Stuart seconded the motion, and it passed 6-0.

The following PB members were designated liaisons to various boards and committees:

- D. Freedman BOS and ZBA
- G. Peterson ConsComm and Trails Committee
- M. Epstein BOH and Town Counsel
- T. Lane RecComm
- B. Larson Housing Authority
- P. Stuart Pedestrian and Bike Pathways Committee

Informal discussion of conceptual plans to subdivide 24.6 acres of property at 400 Rutland Street (Map 36, Parcels 23 & 26) [Request of Peter Howe]

Peter Howe, engineer with Fay, Spofford & Thorndike, Kevin Gagne, engineer with same, and Martha Howe, attorney representing the Howe family trust that owns the property (formerly the Brown property), were present to discuss this matter. Mansfield noted that the majority of the land has been landlocked for years, and is the subject of a pending 2002 lawsuit by the current owners, alleging that the Town, in 1970, improperly discontinued Rangeway Road, which abuts the property. Rangeway Road had been a county way until the Town voted to discontinue it as a legal road in 1970. The goal of the suit has been to acquire access and frontage for the property using Rangeway Road. The defendants are the BOS, due to abutting Town-owned land. The property owners recently acquired 400 Rutland Street, providing alternate access to the property. In addition, combining the owners' two lots, the land is suitable for subdivision and development.

Martha Howe updated the PB on the pending litigation filed in 2002, stating that the Trust had an easement by estoppels to use the road. In October of 2005 there was a motion for a summary judgment. She added that while the abutters were given an opportunity to intervene, none did. The summary motion is still with the deciding judge. She reported that Town Counsel had been informed that the owners had purchased 400 Rutland (the Pinci property) this March. Ms. Howe indicated that the lawsuit may be moot because of the new Rutland Street property access.

Peter Howe presented a conceptual plan for subdivision and development of the property, and indicated that much testing had been done, including topographical and boundary surveys and deep hole testing, and that percolation testing results were good in most areas. He described a subdivision proposal for a 900-foot cul-de-sac with three standard frontage 2-acre lots and three 4-acre minimum pork chop lots. Including 400 Rutland, this would total 7

lots. Access through the recently acquired 400 Rutland would be used, and therefore it would also be a subdivision of 400 Rutland to include the road up the southeasterly side.

Mr. Howe then detailed a Conservation Cluster conceptual plan which would include an approximately 1800-ft common driveway adjacent to Rangeway Road, but would preserve the trail that follows the former roadway. This plan would allow for six 2-acre lots and one 4-acre lot (400 Rutland Street, to be kept as-is). All proposed lots would have 20-feet of frontage (required minimum) on Rutland Street. Epstein ascertained from Howe that a turnaround is feasible on this land and Freedman confirmed that the proposed plan could accommodate fire cisterns, as these may be concerns of the Fire Department.

Mansfield noted that the actual number of units possible will only be determined by an ANR proof plan of the property. With approximately 517-feet of frontage on Rutland Street, it is likely that it will be one standard lot and four pork chop lots with frontage, as there may not be enough frontage for a second standard lot. Martha Howe added that an approved plan will get the lawsuit dismissed. Peter Howe added that if the suit is won before a plan is approved, any ANR would work off the Rangeway Road frontage, and that 8 or 9 lots would be possible.

Peterson asked abutters in attendance about use of the land for walking and hiking. Virginia Lamere (Rutland Street) said that it is used for cross country skiing in winter, and walking all year round. John Bakewell described a trail loop from Rangeway Road around the wetland that connects with Oak Knoll and with Nichols Lane by means of a Trail Easement. Marc Lamere (Rutland Street), former Chair of the Trails Committee, suggested that if the Conservation Cluster approach is used, a trail loop could be formed using the open space at the rear of the land. In this way, neighborhoods could be linked with trails. Epstein suggested that the Conservation Cluster proposal seems to reduce the wetlands disturbance, as compared to the subdivision plan. It was noted that there are no wetlands along any proposed frontage.

At this point, Mansfield familiarized the applicants with Section 5.5.1 of the Carlisle Zoning Bylaws concerning Conservation Clusters, which states, in part, the goals of:

- Preservation of woods, fields and streams
- Protection of selected views, vistas and buffer areas
- Preservation of natural habitats, and
- Provision for conservation management.

Freedman ascertained that the abutters in attendance at the meeting were in favor of the conservation cluster approach to development of this property. Marc Lamere stated that the subdivision approach would wipe out buffering between some houses, while the conservation cluster would preserve open space behind the house lots. John Bakewell (Rutland Street) was concerned that the conservation cluster would bring the homes closer to his property, and that a subdivision roadway would be built to Mass highway specifications.

Freedman suggested that Howe, one ConsComm member, one Trails Committee member and one PB representative meet with the Fire Chief to discuss this proposal. Freedman also suggested that Mr. Howe meet with the abutters to discuss trails and other issues of their concern, and Mr. Howe was very interested in doing so. Mr. Howe said that he had developed a 40 site campground at Mt. Monadnock with similar concerns, and Peterson asked him to provide the PB photos of this work.

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

Mansfield reported that Sabrina Perry is coordinating a project on behalf of the Town to improve the features of this small park on the land next to Fern's on Lowell Street. She has presented the plan to the Historical Commission, and they were in favor of the overall concept, asking for some additional detail to be provided at a later meeting, after she had spoken with the PB. Perry has asked the PB to convey any concerns, comments and requests about changes to the park to the BOS. Epstein, Peterson and Larson had visited the site on June 17th, and additional visits will be arranged for those who wish to see the site.

According to information presented to the Historical Commission by Ms. Perry on May 30, 2006, the proposed changes include:

- Removal of old telephone poles
- Replacement of the fence at the park/parking lot edge with a low timber and granite fence
- Addition of 2-3 granite benches
- Addition of a stone path and plantings along the north edge of the lot
- Paving of the parking area (exact material to be determined)
- Additional plantings to other areas of the park
- Expansion of island at the street, with addition of plantings to “bring the park to the street”, and
- Removal of one dying ash tree

When Freedman asked about the necessity of site plan review for this work, Mansfield said that the site plan review bylaw is designed to cover any site development activity or intensification of use that is not residential. He feels that the planned changes warrant such a review, and the Building Commissioner agrees. While the Building Commissioner usually would authorize site plan review if a new building is proposed, in this case there is no building proposed. Therefore, the BOS must initiate the site plan review for this Town-owned land, or no such review can take place.

Peterson stated that there are many alterations proposed, including some that will affect drainage, and therefore site plan review seems warranted. He reminded the PB that there are groundwater issues on this land in Town center, and therefore the site review process is of added importance.

Epstein stated that the nature of the work determines the need for site plan review and that the scope of the work determines how detailed that review is.

Bob Hilton (Lowell Street) said that he owns wetlands near the park, and that the drainage from the park flows into and affects his wetlands. Therefore he is concerned about any alteration to drainage on that site. He had spoken with the Conservation Administrator, who feels a “Request for Determination” (to determine if a Notice of Intent is required) should be issued. If there is excavation within 100-feet of a wetland, this is required.

Sylvia Sillers (HistComm) stated that the Historical Commission feels there should be a hearing covering issues outside the purview of their Commission, and they advocate site plan review.

Steven Tierney (Lowell Street) expressed concern that this project has grown considerably since it was originally proposed. He added that brush was cleared all the way to the back stone wall last Fall, and that more than just deadfall was removed. Also, he suggested that the new Fern’s patio may attract more people to Center Park.

Freedman asked Mansfield to draft a letter for presentation to the BOS at their meeting the next night indicating that while the PB is in favor of the park project, they feel it requires site plan review, and that they have also received feedback from the public to this effect. This letter should state that the PB will do everything they can to minimize the cost and expedite the process.

Peterson moved that the PB send a letter to the BOS requesting that the Center Park project go through the site plan review process, and citing in particular Section 7.6.1 of the Zoning Bylaw that describes project situations requiring site plan review. Epstein seconded and the motion carried 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)

Freedman reported that at the last ZBA hearing, process details of well testing and the effects of blasting on water supply were discussed. At that meeting, while the attorney for the ZBA indicated that talks with abutters toward a Memorandum of Understanding (MOU) are going well, the abutters in attendance disagreed, stating that

negotiations had ceased. Freedman added that the PB has been asked to comment on the ZBA's draft conditions for this project. He spoke with the BOH Chair and will also speak with the ZBA chair on this, adding that he had not received a response from the ZBA to several memos and emails.

Speaking as a resident abutter to the location of this proposed project, Epstein expressed his appreciation to Freedman for his involvement at the ZBA meetings, as he felt the guidance and experience of the PB was important in this case. He expressed concern that the hearing may be closed at the next ZBA meeting, and pointed out that the applicant had forwarded much information to the ZBA on the day of the last hearing, allowing no time for review of the information before the hearing. Epstein suggested that members of the PB should meet with the BOH Chair, the ZBA Chair and ZBA counsel simultaneously to discuss the issues, and added that the ZBA should require much more detail on several aspects of this project plan. The applicant needs more guidance from Town Hall departments on this project. He added that the PB should suggest a set of post-permit conditions for this project that must be addressed before the lot is touched.

Epstein provided the Planning Administrator with a June 19th letter from the abutters' counsel with some core conditions they feel must be included in any MOU, and indicated that it was not an all-inclusive list. He reported that the applicant and the abutters had reached agreement on some of the items and then there was suddenly no further communication and negotiations broke down. The abutters have hired their own landscape architect, since a landscape plan has not been done by the applicant. Epstein feels that a landscape plan should be agreed upon pre-permit. After the hearing is closed, it is too late to raise concerns and develop plans. Peterson added that, in his experience, other communities require much more planning and information pre-permit on a project of this magnitude.

Freedman suggested that the absence of a MOU has possibly made the applicant less willing to negotiate. Peterson said that Town Hall staff need to drive this process, and that a team should be assembled, comprised of staff from different Boards, to guide negotiations on applications such as this.

Speaking as an abutter, Epstein asked Peterson to speak with Selectman Stevenson or Selectman Williams to make it clear that the ZBA is not requiring the pre-permit information that they should require according to their Rules and Regulations.

Freedman said that the ZBA Chair has requested a presentation on low impact development (LID) from George Preble (Beals and Thomas), who authored the LID guidelines for the state, and added that while this is a good idea, for the proposed presentation may not be relevant to incorporation of LID guidelines into the plans for this project. The PB agreed that Mansfield and Freedman will draft a memo to the ZBA stating the PB's concerns. Epstein confirmed to the PB that if the abutters and the applicant can get past the water testing issues, negotiations can continue. Freedman and Epstein will attend the ZBA hearing on July 17th.

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

The PB discussed a request by Gonzales to set aside funds for an additional three hours of David Maxson's time (consultant, Broadcast Signal Labs) for updating of the Rules and Regulations for wireless. Epstein moved and Stuart seconded that an amount not to exceed \$600 be encumbered for approximately three hours of additional consultant time to complete the revisions to the Wireless Rules and Regulations. The motion passed 6-0.

Town Hall Technology/web site

Mansfield reported that he had spoken with Selectman Tice about how website updates are to be handled, and it was agreed that each board be responsible for updating their information on the website. The Assistants will be responsible for the general updates, with guidance from the department Administrator.

Budget

On behalf of the PB, Larson commended Mansfield for his excellent job of managing the PB budget for FY06.

At 10:55 pm, Stuart moved to go into executive session to discuss pending litigation, not to return to regular session. Larson seconded, and when polled the PB unanimously agreed to enter into executive session (6-0):

Lane	Aye
Stuart	Aye
Epstein	Aye
Peterson	Aye
Freedman	Aye
Larson	Aye

Respectfully Submitted,

Gretchen Caywood
Administrative Assistant
Carlisle Planning Board