

# Town of Carlisle

MASSACHUSETTS 01741

-----  
Office of  
**PLANNING BOARD**

66 Westford Street  
Carlisle, Massachusetts 01741  
Tel. (978) 369-9702  
Fax (978) 369-4521  
e-mail: carlplan@rcn.com

## Minutes

July 24, 2006

Minutes 6/26/2006

Bills

Budget

Meeting schedule

Designation of Ad Hoc Capital Planning Committee representative

Designation of Benfield Task Force representative

Staff Performance Review

GIS Development Task Force

Town Hall technology/web site

Consulting engineering services

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

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

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]

Request to review plans for improvements to the Center Park in the Center on Lowell Street (Request of Land Use Team and Sabrina Parry)

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)

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)

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.

Public hearing on request for modification of Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) [Application of Robert Koning]

Request for comments on offer to purchase a Town-owned parcel of land on Concord St., Map 4, Parcel 2A, adjacent to 879 Concord St. [Request of Town Administrator]

Request for extension of time to complete Carriage Way Definitive Subdivision Plan (Map 13, Lots 22-2 through 22-10) [Request of William Costello]

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

**David Freedman** called the meeting to order at 7:30 pm in the Clark Room at Town Hall. Board members **Brian Larson, Tom Lane, Kent Gonzales** and Planning Administrator **George Mansfield** were present. **Greg Peterson** arrived at 7:34 pm, and **Michael Epstein** at 7:35pm. **Peter Stuart** was absent.

Gretchen Caywood, assistant to the Planning Administrator, Peter Howe (Fay, Spofford & Thorndike)), Martha Howe (Lowell, MA), John Morly (Harvard, MA), Bill McNary (Stamksi & McNary), Bob Koning (Acton Street), Janet Sacks (Acton Street), Paul Anagnostopoulos (Rutland Street), Liz Barber (Aldershot Lane), Sabrina Perry (Lincoln, MA), Lowell Robinson (Norfolk, MA), David Trask (Log Hill Road), Colleen Klein (Lowell Street), Dale Ryder (Lowell Street), Marc and Virginia Lamere (Rutland Street), John Bakewell (Rutland Street), Bob Hilton (Lowell Street), Linda Myers-Tierney and Steven Tierney (Lowell Street) and Bob Zielinski (Carlisle Mosquito) were also in attendance.

### **Minutes**

Epstein suggested a few revisions to the draft minutes of June 26, 2006. Larson then moved to approve the minutes of June 26, 2006 as amended. Lane seconded and the motion passed 4-0-1, with Gonzales abstaining.

### **Summer Meeting Schedule**

The PB decided to hold their August meeting on the 21<sup>st</sup>, as the ZBA has moved their meeting from that date. Mansfield pointed out that Omnipoint has filed an application for a wireless Special Permit to add antennae to the planned Anderegg tower. The PB will need to hold a hearing at the August 21<sup>st</sup> meeting, or else a waiver of the 65 day time requirement is necessary. He added that 5 positive votes would be required at the hearing to approve the application. Since the State Attorney General has not yet approved the new wireless bylaw for the Town, the application will be processed under the old bylaw.

Freedman noted that the ZBA has scheduled their September meetings on the second and fourth Mondays of the month for their hearing on Coventry Woods. This is because the first and third Mondays are blocked by a holiday and by State Primary Elections respectively. After discussing other options, the PB decided to reschedule their September meetings to Wednesday, September 13<sup>th</sup> and Wednesday, September 27<sup>th</sup>.

### **Public hearing on request for modification of Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) [Application of Robert Koning]**

Freedman opened this public hearing on the petition of Robert Koning for a modification to the Maplewood Definitive Subdivision under MGL Ch. 41 and the Carlisle Rules and Regulations Governing the Subdivision of Land. These parcels are located on Koning Farm Road and are shown on the Town Atlas Map 17, parcels 17A-1 through 17A-5. The modification includes the relocation of a part of the right-of-way of Koning Farm Road as per a Decision dated April 19, 2006 (Miscellaneous Case No. 269607) and an Order of Remand dated June 8, 2006 (Case No. 01 MISC 269607 (KFS)) by the Commonwealth of Massachusetts Land Court Department of the Trial Court. Freedman opened the hearing by reading the legal notice.

Bill McNary (Stamksi & McNary) spoke on behalf of Koning in request of the modification, reminding attendants of the meeting that this 5 lot subdivision was first approved in 1988 and refiled and approved again in 1998. He summarized that the Land Court decision shifts the right-of-way location on the first 340-feet of the roadway. Mansfield explained that this is to maintain the 50-foot width of the right-of-way while establishing the new court-ordered lot line between the right-of-way and the neighboring lot. No reconstruction of the roadway or its shoulders will be required. The road, however, will no longer be centered in the right-of-way, and so will require a waiver from the PB Subdivision Rules and Regulations. Also, to accomplish the right-of-way relocation, Lot K-1A owned by Susan Koning and Parcel X and Lot 5A, both still owned by Robert Koning, will be slightly reconfigured, and the Fire Protection Easement for the cistern will require adjustment and extension, but with no relocation of the cistern or equipment.

At a point approximately 300 ft. from Acton St., the new right-of-way location is within 5-feet of the new property line. The PB ascertained from the abutter, Janet Sacks, that she has no objection to the PB granting a waiver to the regulations on this issue.

Freedman ascertained that the 100-foot buffer to wetlands will remain unaffected, and that the roadway, while not centered in the right-of-way, does have proper shoulders.

Peterson confirmed from McNary that granite bounds will be placed at the southerly and northerly edge of the right-of-way. McNary confirmed that a new as-built will be filed for the road, as will the new fire easement document. He added that once the plans are approved by the PB and the waiver granted, the plans go back to the Court.

Freedman informed McNary that the Town's legal expense on the litigation that led to this plan is a concern, and that he should expect communication from the Town on this issue. Mansfield was asked to communicate with the Town Administrator concerning these legal expenses.

Peterson moved that the PB grant a waiver to the Subdivision Rules and Regulations for the following reasons:

- The roadway has been built and used without incident for over 6 years
- The abutters have no objection to the road not being center in the right-of-way
- The waiver prevents disruption of the roadway and maintains access by residents
- All grading for the roadway is still contained within the right-of-way, and
- All fire appurtenances are contained within the easement.

Larson seconded the motion, and it carried 6-0. Freedman closed the hearing at this point. Mansfield reminded the PB that they must file a written decision with the Town Clerk within 30 days, and after a 20-day appeal period McNary can return to the PB for endorsement of the plans.

**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 and Kevin Gagne (Fay, Spofford & Thorndike) and Martha Howe (attorney for the property owners) were present for the discussion. Mansfield reported that all PB members except Peterson and Gonzales have seen the site.

Peter Howe summarized that at the last PB meeting, he had presented two proposed alternatives to development design: a 7-lot subdivision containing 3 pork-chop lots and 3 standard lots as well as the 400 Rutland St. property, and a 7-lot conservation cluster with approximately 8 acres of conservation land reserved behind the lots, including the Rutland Street property. He reported that since then he has met with several PB members and abutters, and there have been two site walks of the property, adding that the site walk did alert them to some pathway and buffer issues.

Howe described three conceptual site plans of the proposed 6-lot conservation cluster, showing the trails and wetlands. The PB and the abutters in attendance compared and discussed the three proposals. Each of the proposals showed a common driveway serving each lot, whereas the conservation cluster proposed at the June meeting had individual driveways serving several lots. Howe pointed out that on all plans, the wetlands will be crossed by a common drive of approximately the same width of pavement. Two proposals had the conservation land similarly located at the back of the property, and the third had it located primarily at the north end of the property, and a lot moved to the back of the property, resulting in a lengthy common drive.

Freedman suggested meeting with the Fire Chief, as the common driveway might call for t-turnarounds and turnouts every 300 feet.

Peterson asked the abutters in attendance their preference of the three plans. Mark Lamere, formerly of the Trails committee, felt that while all the proposals were potentially suitable from a trails standpoint, the ones with the conservation land to the rear of the property may be preferable. He added that there is no easement where the trail goes off the land. When no other abutters expressed an opinion, Peterson pointed out that the plan with conservation land concentrated to the south could necessitate a rather large wetlands crossing to complete a trail loop, and therefore may not be as suitable. Freedman added that the excessive length of a common driveway on this plan may provide concerns for the Fire Department. Overall, the PB expressed preference for the two designs having the conservation land to the rear of the properties. Mansfield suggested that Howe confer with ConsComm to get their input on the designs.

At this point, Epstein pointed out to the attendees that the developer is making a strong effort here to work with the Town and abutters toward a plan that takes their interests into consideration, and that the developer is actually entitled to a subdivision by right.

Freedman and Mansfield recommended that Howe meet with ConsComm and also meet with the Fire Chief and a PB representative to discuss the plans.

**Request to review plans for improvements to the Center Park in the Center on Lowell Street (Request of Land Use Team and Sabrina Parry)**

Mansfield reported that Sabrina Perry and Selectman Hult have requested a discussion with the PB on the plans for Center Park improvements. Perry and Lowell Robinson (landscape architect) were present to discuss the plans. Perry reviewed the history of the land parcel and summarized the proposed changes and improvements to the small park. These include:

- Replacement of the fence at the park/parking lot edge with a low timber (24") and granite post fence
- Addition of 2-3 granite benches (96" l x 24" w x 20" h)
- Addition of a stone path and plantings along the north edge of the lot
- Paving of the parking area
- Additional plantings in other areas of the park
- Expansion of the island at the street, with addition of plantings to "bring the park to the street",
- Removal of one dying ash tree (public hearing planned for the August 21st PB meeting)
- Removal of old telephone poles.

For pavement of the parking area, Romapack material was proposed, as asphalt was deemed inappropriate by the Historical Commission. Robinson also pointed out that nothing will be planted in the wetlands buffer zone, but screening plantings will be added on either side of the lot and outside the buffer zone. The stone wall adjacent Francine Faulkner's property will be repaired using stones reclaimed from the Cross Street area where the Greystone Crossing construction is being done.

Robinson stated that there have been no grade changes during the site clearing process, but added that the ground was machined during the final dragging of the land. Peterson stated to Hult that some review of the drainage issues should take place. Larson pointed out that the property to the rear and to the right is much lower, and therefore any effect on drainage should be ascertained. Freedman requested that Robinson try to obtain input on drainage from former Planning Board member Dan Holzman before the hearing.

Perry suggested that the benches could be memorial benches, and that memorials on the granite posts were also being considered. Gonzales suggested that more, but natural, seating (boulders) should be scattered throughout the park. Hult suggested starting with limited seating, which would lessen any tendency for congregating in the area. Epstein suggested that the seating and design should focus on drawing people to the center of the park and away from abutting property boundaries.

At this point, Freedman informed those in attendance that there will be a formal public hearing (site plan review by the BOS) on these proposed Center Park modifications, and that the public will be notified of when that hearing will take place. Hult added that at the next BOS meeting, they will announce the site plan review and the date of public hearing.

Epstein requested that Robinson provide the abutters with a copy of the current plan and with a list of plantings. Freedman added that the site plan review process should provide further details, such as the location of and guidelines for plantings. Epstein requested an overlay from Robinson detailing the current lot landscaping and the proposed landscaping to accurately relate the location of the proposed plantings to current ones.

Bob Hilton (Lowell Street) said that even though he is not an abutter, the land drains onto his property and he is quite concerned about any changes to drainage. He also mentioned the known ground water pollution issues of the land in the park area and adjacent. Freedman suggested that the parking lot could perhaps be sloped slightly away from the park and toward the road.

Several Lowell Street residents expressed concerns. Dale Ryder stated that she is very opposed to any development of this area that would encourage congregation, mainly for safety reasons. Colleen Kline added that a greater overall plan for Town Center needs to be developed, and that perhaps this would be important before developing specific areas based on incoming requests. Linda Myers-Tierney pointed out that the project has grown considerably from an originally estimated project of a few thousand dollars. Freedman said that this is precisely why the PB recommended site plan review, and added that the most effective place for the public to express their concerns on this issue is at the public hearing, the date of which will be advertised.

**Designation of Ad Hoc Capital Planning Committee representative**

Hult described some of the pending larger expenditure issues facing the Town. The BOS would like a PB member to be involved because they will be addressing such issues as affordable housing development.

Peterson moved to appoint Larson as PB representative to this short-duration Capital Planning Committee, with Freedman as his alternate. Epstein seconded and the motion carried 5-0-1, with Larson abstaining.

**Designation of Benfield Task Force representative**

Mansfield reported that former PB member Phyllis Zinicola has agreed to serve in this capacity. Epstein moved that Phyllis Zinicola be appointed as PB representative, with Peterson as her alternate. Lane seconded, and the motion carried 5-0-1, with Peterson abstaining.

**Request for comments on offer to purchase a Town-owned parcel of land on Concord St., Map 4, Parcel 2A, adjacent to 879 Concord St. [Request of Town Administrator]**

Peterson abstained from the discussion as he resides near this land.

Mansfield reported that the abutters at 879 Concord Street are proposing to purchase a 0.64 acre parcel of Town-owned land adjacent to their property, with 148 feet of road frontage. Most of this parcel is within Buttrick's Pond. He added that this does not add to the development potential of the parcel unless the owner also acquired an additional 1.36 A of land from neighbors who have excess acreage, and that would take the cooperation of at least two neighbors. The BOS mainly wants to check if any other Town department has a use for the land.

Freedman said that while the PB does not have a specific use for the land, this acquisition by abutters could increase the development potential by bringing the land closer to meeting development requirements. Also, there is no upside to selling unless the Town would get a substantial premium for the land from the abutters. Epstein suggested inquiring why the abutters want to buy this parcel.

The PB decided to recommend that there is no reason to sell this land to the abutters unless the Town is generously compensated.

**Request for extension of time to complete Carriage Way Definitive Subdivision Plan (Map 13, Lots 22-2 through 22-10) [Request of William Costello]**

Mansfield reported that William Costello has submitted a letter to the PB requesting an extension of the completion date to 12/31/06. Epstein moved to extend the completion date of the Carriage Way subdivision from August 31, 2006 to December 31, 2006. Peterson 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)**

Mansfield reported that the PB office had just received a copy of the modified conceptual plan. Freedman and Epstein had attended the last ZBA hearing on July 17<sup>th</sup>. Freedman referred to the PB memo to the ZBA recommending that they get a full set of plans pre-permit approval. While the applicant indicated that no additional plans would be provided, the review engineer agreed that the ZBA should get a complete revised set of plans for this project. Freedman also reported that representatives from each of the land use boards intend to meet with ZBA Counsel Dan Hill to discuss and agree upon what they should advise that the ZBA require pre-permit.

At 11:10 Lane moved to enter into executive session, not to return to regular session, to discuss pending litigation. Peterson seconded the motion and it was unanimously approved: Freedman, aye, Larson, aye, Epstein, aye, Peterson, aye, Gonzales, aye, Lane, aye.

Respectfully Submitted,

Gretchen Caywood  
Administrative Assistant  
Carlisle Planning Board