

Town of Carlisle

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Office of

PLANNING BOARD

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Application by Sabrina Perry, Lincoln, MA, for Site Plan Approval under Sec. 7.6 of the Zoning Bylaws for the improvements to Center Park on Town-owned property on Lowell Street, Map 22, Parcel 42, seeking a report and recommendation to the Board of Selectmen (Due date 10/2/06)

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 application of Omni point Communications, Inc. for a special permit and site plan approval under Sec. 5.9 of the Carlisle Zoning Bylaws to install, operate and maintain a personal wireless communication facility at 871 Bedford Road (Map 11, Lot 1) on and adjacent to a previously permitted 189-foot monopole tower, owned by New Cingular Wireless, PCS, LLC.

Preliminary draft of proposed ANR Plan for Wilkins Hill,” Westford St. & Curve St., Map 19, Parcels 37, 40 & 41, Map 20, Parcels 9, 10A & 22.

Board of Appeals hearing on frontage variance for South Street property (Map 4, Parcel 32)

Endorsement of plans approving modification of Maplewood Definitive Subdivision Plan (approved 7/24/06)

Assignment of consulting review engineer for anticipated Definitive Subdivision, Conservation Cluster, and Common Driveway Special Permit applications at 400 Rutland Street.

Chair 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, Greg Peterson, Peter Stuart** and Planning Administrator **George Mansfield** were present. Michael Epstein was absent..

Gretchen Caywood, assistant to the Planning Administrator, Brian Grossman (Prince, Lobel Glovsky & Tye), Sean Reid (PLG&T), Paul Gill (Judy Farm Rd), Jenifer Bush and Jack O'Connor (Church St.), Bob Hilton (Lowell St.), Larry Bearfield (North Rd.), Dan Holzman (Blaisdell Dr.), Francene Amari-Faulkner (Bedford Rd.), Gary Davis (Superintendent, DPW, and Carlisle Tree Warden), Alan Carpenito (South St.), Tim Hult (Audubon Ln.) Lowell Robinson (Norfolk, MA), and Sabrina Perry (Lincoln, MA) were also in attendance.

Minutes

The PB discussed the draft minutes of August 21, 2006. Peterson then moved to approve the minutes as drafted. Lane seconded and the motion passed 4-0-2, with Freedman and Stuart abstaining. The PB also reviewed the minutes of the Executive Session of August 21, 2006. Peterson moved to approve these minutes as drafted, Lane seconded, and the motion carried 4-0-2, with Freedman and Stuart abstaining.

Meeting Schedule

Mansfield pointed out that there may be a need for a special meeting of the PB in early October, in order to discuss and detail a response to the ZBA concerning Coventry Woods. Wednesday, October 11, 2006 was tentatively agreed upon, pending information on Epstein's schedule, but will not be posted until definite need for the special meeting is ascertained.

Fall Town Meeting warrant – Zoning articles

Mansfield referred to the notice of the opening of a warrant for a Fall Town Meeting and pointed out that there is one correction that needs to be made to the wireless bylaw amendment voted on at the last Town Meeting. Gonzales moved that the PB submit the correction to the BOS and request Town Counsel review toward inclusion in the Warrant for the Fall Town Meeting. Peterson seconded and the motion carried 6-0.

Public Hearing on application of Omni point Communications, Inc. for a special permit and site plan approval under Sec. 5.9 of the Carlisle Zoning Bylaws to install, operate and maintain a personal wireless communication facility at 871 Bedford Road (Map 11, Lot 1) on and adjacent to a previously permitted 189-foot monopole tower, owned by New Cingular Wireless, PCS, LLC.

Freedman opened the public hearing by reading the Legal Notice, and adding that the application and plans may be reviewed at the Town Clerk's office at Town Hall from 9:00 am to 3:00 pm Monday through Friday. Freedman pointed out that this is the first application the PB has ever considered under the Town's wireless bylaw, although it has been in effect since 1997. Brian Grossman, an attorney for the applicant, presented the proposed work. The applicant's engineer Sean Reid was also in attendance.

Grossman described that the applicant seeks to install, operate and maintain a wireless communications facility within and next to the 189 foot monopole already to be installed at this location. (The monopole was approved by the U.S. District Court as a part of a settlement of appeals filed on previous actions by the ZBA at this and another site.) This proposed co-location will consist of up to three panel antennas mounted fully within the tower at 156 feet. These will enhance T-Mobile wireless coverage on Bedford Rd. and the immediate surrounding area. Grossman also added that the applicant has leased a 15' x 15' space within the approved fenced equipment compound on the ground which will be able to contain all necessary support equipment for the 3 co-located antennas. The antennas will be connected to the equipment cabinets by coaxial cable running within the tower. To comply with the FCC mandate for enhanced 911 service, the applicant will also mount two antennas (one GPS and one E911 GSM) near the cabinets they will be placing within the equipment compound.

When Freedman asked for more specific information on coverage enhancement, Grossman stated that some of Bedford Rd. as well as River Rd. and Maple St. will have enhanced coverage. He added that there will be some coverage benefit outside the central location area, but there will always be some dead spots, and that coverage will always be affected by weather conditions and terrain. The coverage expectations are based on computer

algorithms. Reid provided further detail on coverage limits. Stuart referred to the location map provided in the application, depicting four proposed sites. The applicant stated that each additional site will be addressed in a future, separate application(s) to the PB.

The PB discussed specifics of the equipment requirements with Grossman. It was confirmed that this co-location will not delay tower construction. Freedman also requested a copy of the lease agreement, and Grossman agreed that he could provide a redacted copy (minus financial arrangements). Mansfield added that the regulations call for the PB to have a copy of this agreement. Mansfield requested the tearsheets and receipts indicating that the legal notice had been sent to all abutters. All abutters are listed in the application on file in the Town Clerk's office.

The applicant had requested a waiver of the project review fee, arguing that no additional technical review by outside consultants was necessary. However, the PB decided after discussion that certain limited technical review is advisable, and they proposed reducing the fee deposit to \$2000. Freedman explained that a technical review is necessary, particularly as this is the first wireless application before the PB, since the monopole itself was approved by the U.S. District Court as part of a settlement agreement and did not go through a full application procedure before the PB. Gonzales agreed, also indicating that in his opinion the major criteria for collocation are met by the application. The PB agreed to ask David Maxson (Broadcast Signal Labs) to review the technical submissions in the application.

Freedman requested copies of the radio frequency (rf) emissions reports, and Grossman agreed to provide these. Freedman also referred to the MA Department of Public Health statement enclosed in the application. Grossman said that the MA DPH no longer requires that a report be submitted to them, and referred to a notice from the MA DPH regarding this policy change. He added that these facilities are exempt from annually monitoring by the FCC.

Mansfield referred to several requirements stated in the Rules and Regulations for Wireless applications, such as annual rf emissions compliance, a "removal bond" to ensure that equipment is removed by the applicant when it becomes outdated or unusable, and several other requirements of the R&R. Freedman requested that he assemble a list of these points from the R&R's for discussion at the continued hearing.

When Freedman opened the public hearing to questions, there were no questions from the meeting attendees. Jenifer Bush and Jack O'Connor (Church St.) commented that the monopole has been up for a few weeks. Lane suggested a site visit for the PB, and Mansfield agreed to check with the Andereggs to see what would be involved in setting up a site visit. No date was scheduled as it may not be necessary for this particular application.

Peterson moved to amend the project review fee for this wireless application from \$7500 to \$2000. Gonzales seconded, and the motion carried 6-0. Lane moved to continue the Omnipoint hearing to Wednesday, September 27, 2006 at 7:45 pm. Peterson seconded, and the motion carried 6-0.

Continued Joint Public Hearing with Carlisle Tree Warden of request to remove one 40-inch ash tree within the right of way of Lowell Street adjacent to Map 22, Parcel 42, to reconfigure the entrance to the Town-owned parking area at that location, under the provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s. 15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Superintendent of Public Works]

Freedman reopened this hearing, and added that while he and Stuart were not at the original hearing, they have read the minutes of the meeting and therefore can vote on this issue, as it is not a Special Permit hearing. The PB and the Tree Warden, Gary Davis, again agreed that this hearing should remain separate from the Center Park discussion.

Freedman said that the PB now has information from two certified arborists concerning this tree, and that both have concluded that the tree should be removed. While there are preservation measures that can be performed, there is no guarantee of saving the tree. The Tree Warden agreed with this assessment.

When requested, there were no comments from the public on this issue. Stuart moved and Lane seconded a motion to consent to removal of the 40' ash tree located within the right of way of Lowell Street adjacent to Map 22, Parcel 42 due to public safety concerns. The motion carried 7-0, including the vote of the Tree Warden.

Consulting engineering services

Mansfield reminded the PB that a consulting review engineer needs to be assigned for the 400 Rutland St. site. He expects plans for a definitive subdivision, conservation cluster and common driveways to be forwarded to the PB office by October 1st. Mansfield recommended Judith Nitsch Engineering, as one of her firm's strengths is stormwater and drainage issues. The PB agreed with this recommendation.

Application by Sabrina Perry, Lincoln, MA, for Site Plan Approval under Sec. 7.6 of the Zoning Bylaws for the improvements to Center Park on Town-owned property on Lowell Street, Map 22, Parcel 42, seeking a report and recommendation to the Board of Selectmen (Due date 10/2/06)

Freedman reported that the BOS had opened the Site Plan Review process for this project, and is seeking input from other Boards, necessitating the PB's discussion this evening. He added that the PB has sent out a formal request to the other pertinent Boards and Departments for their input. Mansfield reported that the Police Department, ConsComm and the Historical Commission have provided their input already.

The memo from the Police Chief stated that he does not feel problems will arise in relation to the sale of alcoholic beverages from Fern's due to the addition of benches in the Park, adding that the Police Department will monitor the area specifically due to some concerns expressed by the neighbors. The Police Station is located directly across from the Park.

A memo from ConsComm expressed that in light of the proposed beautification plan, "the use of the property for disposal of yard waste would hopefully stop, allowing accumulated material to decompose with time. However, removing the yard waste, the unnatural materials within the fill and the invasive plants, followed by planting simple native plants such as high bush blueberry, hobblebush, hemlock and ferns would allow the area to be better habitat, provide some privacy, and encourage more respect for the property. The Conservation Commission also encourages consideration of a more clear delineation between the public and the private property."

In the Historical Commission's Certificate of Appropriateness issued on this project, they approved the renovation of the property according to the Plan presented to them, along with a list of specific conditions that are on file in the Town Clerk's office.

Mansfield pointed out that Perry has provided a Clarification List keyed to the Site Plan Review memo of September 8th, highlighting items discussed among Mansfield, Perry, Robinson (landscape architect for the project), Police Chief Sullivan and the Town Administrator.

Robinson presented an acetate overlay plan showing where the new plantings will be placed with respect to those already there that will be remaining. Freedman ascertained that most of the planting work will most likely be done by a local nursery (yet to be selected), with the assistance of the DPW when necessary and under the supervision of Robinson. Davis also confirmed that the DPW has cleaned the catch basin next to the Park and verified that it is operational.

Alan Carpenito (South St.) expressed concerns that have been expressed to him by some neighbors with the growth taking place in Town Center, and with having seating in the park. He added that it could create more of a traffic problem in the area. Since there is outside seating at the Library and on the Common, perhaps the seating should be reconsidered. Jack O'Connor (Church St.) seconded this concern. He added that the Town Common Committee, of which he is a member, is developing a plan for the Town Center area which it has not yet presented to the BOS. Bob Hilton (Lowell St.) also expressed concern about people "hanging out" at the park, and with possible littering. While he supports the overall plan, the safety of the area must be maintained.

At this point, Gonzales suggested that since the Park is across from the Police Station, it is unlikely that it would become a "hangout" location.

Tim Hult (Audubon Ln, likes the pathways developing in Town Center and the Town common seating, and expressed that, in his opinion, “to have a park where a mom and kids can sit is an asset.” He does not see it as a problem if a few people biking through Town stop there for a while. He pointed out that the project is not using taxpayers’ money, and he thinks it is a good project.

Larry Bearfield (North Rd), co-owner of Fern’s Country Store which abuts the park, expressed his opinion that the Park further defines the Center as a friendly place. He added that he and his staff regularly patrol beyond their bounds for trash on the street and property, and will continue to do so. He likes the Park plan, and is in agreement with Hult’s expressed opinions.

The PB expressed that the formality of the bench might suggest more respect for the park and have a ‘civilizing effect’ on those that use it. Mansfield added that the ‘no-back’ bench design encourages short visits.

Freedman addressed Dan Holzman (Blaisdell Dr), a former PB member, an abutter and an engineer experienced in drainage issues whom the PB had asked to review the Site Plan. Holzman pointed out that if a catch basin is to be installed in the parking area, it needs to be at the lowest point. He recommended a 12-inch minimum diameter for the pipe leading from the proposed catch basin, and that it be constructed of either reinforced concrete or ductile iron. Concerning the parking lot surface, Holzman added that if the Roma Pack will create increased runoff it might be better to dig up the top 12-inches and replace with ¾” crushed stone. This may allow for better drainage so that a second catch basin is not necessary. When concerns were expressed about any excavation of this land given its history of MTBE contamination, Holzman pointed out that the plan itself calls for excavation to a 10-inch depth to install the Roma Pack. While he liked the plan overall, he suggested that parking space delineation may help organize the parking.

For the PB recommendations to the BOS, the PB agreed to include:

- Holzman’s recommendations on the catch basin piping
- Part of the private budgeting for this project be planned for supervision of all subcontracted work (including tree removal, new planting, and parking area paving)
- Historical Commission comments
- ConsComm comments, highlighting those mentioned in this meeting
- Suggestion that BOS review the proposed relocation of some plantings, specifically the wild Jacks-in-the-pulpit referenced by ConsComm
- Suggestion that BOS review the need for plantings as screening at certain specific locations
- That the BOS consider, if deemed necessary at a future time, the addition of signage re: hours, additional garbage containers, and delineation of parking spaces—any and all of the above to be reviewed before implementation with the PB and Historic Commission.

Freedman asked Mansfield to forward a letter to the departments that have yet to provide input, stating that such should be provided directly to the BOS by September 22nd

Endorsement of plans approving modification of Maplewood Definitive Subdivision Plan (approved 7/24/06)

The PB endorsed the plans for this subdivision modification.

Board of Appeals hearing on frontage variance for South Street property (Map 4, Parcel 32)

Freedman reported that he had attended the ZBA meeting at which this variance request was made concerning a 2.3 acre parcel having 20-feet of frontage on Cross St. When the ZBA asked for PB input, Freedman stated that the PB’s preference is to adhere to frontage and acreage requirements expressed in the Zoning Bylaws which for this lot size and location is 250-feet. The ZBA denied the request without prejudice.

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

Larson reported on the progress of the Wireless working group. He said that the group has agreed on three locations where they feel a 60 ft. CAM could be located, and that any coverage gaps could be filled using distributed antenna systems (DAS). One base station could then be used for all the electronics. This combined approach could be expected to provide \$50,000 of annual revenue for the Town. DAS alone would not produce as much revenue for the Town, and the likelihood of bidders for a DAS only system in Carlisle is less than for a CAM system because the business model for DAS systems probably would need all potential carriers to be signed up in advance.

Freedman suggested that the group not propose these locations at the Special Town Meeting, as a hearing should be held first. Larson suggested proposing a moratorium on wireless applications at the Town Meeting, until the new corrected bylaw is in effect. The consensus was not to propose a moratorium.

Preliminary draft of proposed ANR Plan for Wilkins Hill,” Westford St. & Curve St., Map 19, Parcels 37, 40 & 41, Map 20, Parcels 9, 10A & 22.

Mansfield reported to the PB that there will be an ANR plan presented at their September 27th meeting for approximately 130 acres of land off Westford St. He displayed a draft plan submitted by Stamksi & McNary, which would create 21 building lots and 2 non-buildable parcels. After reviewing the plans, the PB expressed that Common Driveways and/or a Conservation Cluster development would be a preferred approach to by-right development.

The PB asked Mansfield to communicate to Stamski & McNary their preference that all parcels be fully identified with new parcel numbers .

Freedman asked that the PB be provided a key plan of the site. Mansfield calculated that the fee due for the ANR will be \$5000 as it will create 41 new parcels to be combined into building lots, 6 whole lots, and 2 large parcels not designated as building lots. The PB agreed that the standard fee requirements per parcel created should be used, keeping the fee at \$5000. Mansfield noted that the plan calls for demolition of the on-site buildings (Mosquito offices and Spin USA).

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)

At 10:55 pm, Stuart moved to enter into Executive Session not to return to regular session and when polled, the PB concurred unanimously (6-0): Stuart – aye, Gonzales - aye, Lane – aye, Freedman – aye, Peterson- aye, Larson – aye.

Respectfully Submitted,

Gretchen Caywood
Administrative Assistant
Carlisle Planning Board