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Town of Carlisle

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Office of
PLANNING BOARD

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Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap 40B for 56 age-restricted condominium units of attached housing to be known as "Coventry Woods," on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10—22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by BOA)

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David Freedman called the meeting to order at 7:30 pm in the Clark Room at Town Hall. Board members **Louise Hara, Rich Boulé, Kent Gonzales, Peter Stuart,** and Planning Administrator, **George Mansfield,** were present. Board Member Ray Bahr was absent. **Michael Epstein** joined the meeting at 7:32 pm. Associate member **Brian Larson** joined the meeting at 7:34 pm.

Gretchen Caywood, assistant to the Planning Administrator, Mike Hanover, 200 Long Ridge Road, Ann Jackson, 81 Buttrick Lane, Kevin Balboni, 97 Buttrick Lane, Hal Sauer, 546 Westford Street, Jeffrey Brem, 100 Long Ridge Road, Betsy Goldenberg, 111 Pine Brook Road, Ira Gould, 1230 Westford Street, George Dimakarakos, of Stamsky and McNary, William Costello, 25 Holdenwood Road, Concord, and Bob Zielinski, Carlisle Mosquito reporter, were also present.

Minutes

The PB reviewed the minutes of the 9/26/05 meeting, and Epstein suggested one change. Boulé moved to accept the minutes as amended, Hara seconded and the motion carried 5-0-1, with Kent Gonzales abstaining.

Budget

Mansfield reviewed the current budget spreadsheet with the PB, and pointed out that spending is in line across all categories with the exception of office supplies, for which the excess in spending is due to the renewal of two annual software maintenance contracts (ArcView and Ordinance .com). He also pointed out that the FY07 budget request will be done in two parts: New Initiatives (due to FinComm on November 14th) and Preliminary Budget (due to FinComm on December 23rd). Freedman pointed out that the new initiatives budget will be difficult to predict. When Hara suggested naming a portion of the GIS project as a “new initiatives” expense, considering adding mapping updates, changes to the cistern and water supply plans that are under discussion, Freedman suggested that it was a bit premature for that. Boulé informed the PB that the wireless bylaw review would cost an estimated \$7500 and should be considered in the “planning and professional” portion of the budget. He also pointed out that if the RFP is coming out of the PB budget, we should allow for another \$7,000. Mansfield suggested that RFP costs should not come from the PB budget. Freedman suggested and the Board agreed that the PB would not submit any budget requests under new initiatives.

Continued Public Hearing on applications for four special permits for a Conservation Cluster, “Greystone Crossing,” 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 & 59); and three (3) Common Driveways, “Trillium Way,” “Captain Wilson Lane,” and Greystone Lane, all with access from Cross Street (Request of William Costello, Bingham Road LLC and Carriage Estates Trust)

Freedman reopened the public hearing on this issue, verifying that all five members of the quorum are present. Mansfield informed the Board that he received (today) the revised plans from Stamsky and McNary as well as a letter of response to LandTech’s August 23rd review of the plans.

George Dimakarakos stated that the revised plans and drainage analysis were dropped off at LandTech on Friday and to ConsComm the prior Thursday. He then presented the plan changes in detail, pointing out first that 6 new catch basins have been added to the property. Four are on Greystone Lane (two each in two different locations) and two are on Trillium Way. The detention basin adjacent to Captain Wilson Lane was removed (as the cul-de-sac was redesigned) and the runoff was redirected to another detention basin. ConsComm had requested updating of the siltation control, and the location of the siltation barrier was therefore adjusted in a few locations. Dimakarakos pointed out that, per ConsComm request, the two plans with detention basins on them are recordable and will be available at the Registry of Deeds, and that the Homeowners Association will have easements to allow for maintenance of them, as it is their responsibility. He also pointed out that the detention basin maintenance will be referenced on all documents in order to assure that it is considered part of the maintenance agreement. He also verified that the Homeowners Association is responsible for all maintenance.

When Epstein inquired as to how the maintenance will be enforced, Dimakarakos pointed out that most of the detention basins discharge near or within Town-owned open spaces. Costello added that there will be an average \$500 per lot per year mandatory contribution into the maintenance fund, and that, based on this, a reserve of approximately \$41,000 should build up over 10 years. When Freedman inquired about maintenance frequency, Dimakarakos stated that for the detention basins, inspection should be 4 times per year, and that these are the items involving the most frequent maintenance. Other components of the overall plan have less frequent inspection requirements. Dimakarakos could not provide an estimate of the overall maintenance costs.

Epstein stressed that the Town needs to be able to enforce the maintenance agreement. Costello stated that he will have his attorney contact Epstein for advice on the details related to this issue. Freedman pointed out that the documents should also include the inspection requirements.

When Hara inquired as to the design of the detention basins within the open spaces, Dimakarakos stated that pages 15 and 16 of the revised plans detail each of what he referred to as the pocket wetlands (detention basins), and that this information, along with all maintenance schedule information, will be recorded and referenced in the

Homeowners Association documents. When Hara asked how it would become obvious that the detention basins are not working properly, Dimakarakos stated that embankment erosion and sediment buildup at the pipe would be two key signs that the system is in need of maintenance. When Boulé expressed concerns about avoiding the growth of invasive vegetation in the pocket wetlands, Dimakarakos pointed out that these man-made wetlands are seeded, and shrubs and plants are installed in a manner that is designed to prevent the growth of invasives.

Freedman pointed out that if failure of the detention basin is due to water going elsewhere, and not successfully being directed into the basin, it must be clear in the documentation that any water buildup on the road is the responsibility of the Homeowner's Association, and would be enforced by the Town, represented by the BOS. It was pointed out that these were to be private common drives, not public ways.

Regarding other changes to the property, Dimakarakos pointed out that a low retaining wall was added at Captain Wilson Lane per ConsComm requirements.

The revised plan was then reviewed for location of the 6 % grades on the driveways, and it was ascertained that the guardrails were appropriately placed to assure safety. Mansfield also pointed out that a request had been made to preserve the existing stone walls as much as possible, and he pointed out Hobbleshush Lane as an example. But Dimakarakos said that the regrading required at this site precludes preserving the stone walls near most of the driveways. After this aspect of the discussion, Epstein stated that the PB should ask LandTech to look closely at drainage issues and guardrail locations to assure maximum safety, particularly in freezing weather. Epstein also asked about the expense of a 3-D computer modeling of the overall plan, as it would be much easier for the layman to follow. When Dimakarakos mentioned a figure of about \$5,000, Epstein asked Mansfield to note this as a possible future approach.

With respect to discussion of cistern location adjustment, Freedman stated that he had requested Assistant Chief White's attendance at tonight's meeting. Freedman also mentioned that he had received an email from White on 9/23/05. Dimakarakos indicated that White was awaiting a response from the PB on the Trillium Way cistern design. Freedman stated that the PB would check with White. At this point, Costello stated that the cistern without a well was originally White's idea. Freedman suggested that further discussion of this issue be postponed until the Fire Dept. was represented at the meeting.

The revised plan was then reviewed for open space requirements. Dimakarakos pointed out to the group that while there are 5 pocket wetlands (detention basins), three of which are partially in an open space and one entirely in an open space, the extent of clearing is minimal. When Freedman asked if there are any other conservation clusters in which the open space has been used for detention basins, Mansfield replied that he is not aware of any. Freedman then stated that the PB should fully address the issue of detention basins in the open spaces, and assure that the open space requirements are met for the project. When Hara pointed out that one could question the conservation value of an open space with a detention basin in it, Gonzales stated that in his opinion this should not be an issue, as the well-planted detention basin will eventually look like all open space and assimilate naturally, and therefore could be considered to be adding value. Epstein pointed out that the PB will have to have a finding that the open space is of value to the conservation cluster. Mansfield referred to Zoning Bylaw section 5.5.1 which is the purpose of Conservation Clusters. It defines open space in terms of protection of natural resources, and then lists what may be considered natural resources. One stated objective is to protect natural resources, including watershed areas and natural habitats. It can be argued that these detention basins (pocket wetlands) act to protect natural resources, help preserve the open space, and have a positive contribution. Mansfield confirmed to Freedman that if the PB obtains ConsComm's input on the proposed plantings, and that ConsComm feels the pocket wetlands would enhance the open space, it would strengthen the PB's findings on this Conservation Cluster.

When Freedman posed the idea of a provision that ConsComm be involved in maintenance of any pocket wetland if on Town property, Mansfield suggested that the open spaces could be given to the Homeowners Association.

The PB then considered the proposed footpath paralleling Cross Street. Dimakarakos suggested that Costello post a cash bond on the condition of Costello building the footpath in a manner approved by the Trails Committee, and that, upon its completion in a timely manner, the bond will be returned to Costello. The applicant for wetlands

work will be the Town, and Stamsky and McNary will do all design plans. Freedman reminded the meeting attendants that the PB had agreed to get the Town approval for the path, then Costello would build it.

Freedman mentioned that the PB had received a letter from a Cross Street resident asking the PB to deny this as a cluster and require it to be a subdivision. In his belief, it would give us more control over what would happen to the roadway itself. He states that his neighbors are not in agreement with him on this. They want it to remain a twisting, scenic road. Freedman stated that the PB has received and all have reviewed the letter. He does not see how a subdivision would provide additional control. This discussion was deemed best continued when the resident could be in attendance at the next meeting.

Epstein stated that he had received the reviewed documents from DeutschWilliams, and asked if Costello's counsel could review the documents with Town Counsel. Freedman pointed out that Costello's counsel should review Town Counsel's suggested changes to the documents, and that the two attorneys should then talk. Epstein verified that the PB is expecting a single trust/single association arrangement. Freedman stated that the PB will communicate with the Fire Chief and sort out the fire safety to advance discussions. Mansfield ascertained that there are no changes to the cul-de-sac design. Epstein moved and Hara seconded a motion to continue the public hearing on this issue to November 28th at 7:45 pm. The motion carried 6-0.

Request for alteration of approved Common Driveway Special Permits for Buttrick Lane, Concord Street (Request of Kevin Balboni) [Subsequent public hearing may be required]

Balboni was in attendance to see how the Greystone Crossing Conservation Cluster was proceeding, and if he should proceed with combining the two trusts associated with Buttrick Lane. Freedman reminded him that, in principle, the PB has no issue with the combination into one trust, and he should feel free to proceed, but at his own expense. It is clear that the Greystone Crossing property is heading toward one agreement.

Ann Jackson Hill, 81 Buttrick Lane, inquired as to whether there are any other loop road, non-cul-de-sac, common driveways in town, and Freedman stated that there are not. Buttrick Woods is a special case.

ANR plan: 546 Westford Street, Map 20, Parcel 10, Harold Sauer , applicant

Mansfield described that the purpose of the ANR is to divide the property into two lots. Freedman stated that the purpose of this may be to sell the non-frontage lot to an abutter. Boulé moved to endorse as approval not required the plan of land at 546 Westford Street dated October 17th, 2005, by Stamsky and McNary that creates parcel A and lot 20.10. Stuart seconded the motion, and it carried 6-0.

ANR Plan: 100 Long Ridge Road, Map 1, Parcels 72, 72A, &84A, Jeffrey and Lisa Brem, applicants

Mansfield pointed out that there was a prior ANR endorsed by the PB for this lot by another applicant (Kilfoyle in 2004), but it was never recorded. In an attempt to ascertain how this is being handled by the Town, he spoke with the Assessor. He stated that the Assessor's office has been assessing the property as two lots even though the prior ANR was not recorded. There is prior case law, obtained from the Appellate Tax Board, that authorizes assessment based on the endorsed ANR even though it was never recorded.

Freedman stated that since this new ANR application must reference the recorded plans, the situation is different for the PB. The PB assesses fees and reviews and endorses the ANR based on the prior recorded information only. Mansfield stated that he always refers to the assessors map first when given a new ANR plan for the PB's consideration, which can lead to some confusion.

Freedman instructed the applicant to mark the wetlands flood hazard district on the mylar, then return with the ANR plan, and the PB will sign the mylar. The applicant can then make the required copies of the mylar and return all to the PB.

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap 40B for 56 age-restricted condominium units of attached housing to be known as “Coventry Woods,” on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10—22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by BOA)

Epstein recused himself from acting as a PB member, as he is an abutter to this proposed site. Speaking as a member of the public, Epstein added that he is actively opposing this with the other abutters and with the ZBA. Freedman stated that since the PB is acting in an “advisory only” capacity to the ZBA on this case, he feels that there are no conflict of interest issues. Epstein has been sitting in on the ZBA meetings, and suggested that the PB get the ZBA special meeting minutes. Freedman requested a PB attendee at the ZBA meetings (in addition to Epstein), but none volunteered.

Epstein added that the ZBA has specifically asked for PB input on this 40B application, since according to the ZBA Affordable Housing regulations the plan should address subdivision requirements, with which the ZBA is not familiar. Hara pointed out that the attorney for the ZBA is including all Boards in the process.

Freedman stated that the PB should clarify what input the ZBA is seeking from them. Also, the PB should request access to the ZBA’s engineering peer review with sufficient time to comment on it. Hara suggested that we look over the documents (when they become available) and make a set of recommendations on what input and information we need from the ZBA in order to properly review the 40B case.

Based on what he learned on attending the recent ZBA meeting, Epstein suggested that the PB should look over the 40B submission as certain ZBA rules were recently enacted, and although the application is more complete than previous 40B submissions, additional information is still needed. The PB also received a letter from the abutters to the ZBA documenting what is missing. Epstein had commented at the ZBA meeting that the PB cannot provide a meaningful review of the application without more information on, for example, drainage issues and potential safety issues, such as having one access road for 56 units.

Freedman stated that the PB should communicate with the ZBA that, based on a preliminary review, there is insufficient information to thoroughly comment on the application. This limits the PB’s ability to give proper feedback. Epstein pointed out that requests for waivers of subdivision rules and regulations have not been cited in the application. Epstein recommended that the PB should provide comments on what has been provided, as the applicant is suggesting this is a two-step process like a subdivision, with preliminary and then definitive plans after approval, but with a Comprehensive Permit, this is not the case.

Mansfield pointed out that the PB has one copy of the 40B application, and that it is a sizeable document, whereupon Freedman suggested that now, and in the future, a minimum of three copies of all documents for review should be provided to the PB.

Request for release of Lot 1A from covenant for Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lot 18-1) [Request of Ira Gould]

Freedman summarized that Town Counsel was not satisfied with the approach of using an escrow agreement in place of cash in an account. He ascertained from Gould that it would not be a problem to take the more conventional approach of depositing cash in a bank account in the Town’s name. Gould suggested that he would address the site deficiencies identified by LandTech as much as he could, and that Sleger could review the situation before the next meeting and therefore enable all to settle on an appropriate amount of cash required to fund the account at the next meeting. Gould proposed to retrieve the release for Lot 1A, and let 2A stand as security. Epstein pointed out to Gould that Sleger may have found more issues that need addressing.

Since the conditions of the last meeting motion (Gould’s proposed arrangement) were not met, that prior motion is null and void. Hara moved to return the Lot 1A release to Gould on the condition that the previous motion is rescinded, and on retention of Lot 2A by the Town. Boulé seconded, and the motion carried 6-0.

Epstein suggested to Gould that, in future, he directly get the appropriate dollar number from his engineer. This would simplify the process.

Gould agreed to collect the Lot 1A release at Town Hall the following week.

Continuation of 100 Long Ridge Road ANR

After marking the wetlands flood hazard district on the mylar, Brem returned to the meeting for signing of the mylar plan. Freedman pointed out that once this plan is endorsed by the PB, the mylar of the prior plan which was never recorded should be destroyed. It will be noted in the prior applicant's file that the ANR was never recorded, and that the mylar was destroyed.

Epstein left the meeting at 10:12 pm.

Boulé moved to endorse as approval not required the plan of land at 100 Long Ridge Road dated October 20, 2005 by Brem showing lot 332L and 332M, creating 2 lots. Stuart seconded, and the motion carried 5-0.

Brem will return 2 paper copies of this signed mylar to the PB, along with a locus map. At the next PB meeting, signature initials will be added to the copies. This was scheduled for the November 14th agenda.

ANR Plan: 85 Cross Street, Map 7, Parcels 19, 20, 21, & 21-4, Carriage Estates Trust and Carl Andreassen, applicants

Mansfield described the submitted ANR that divides the "boomerang"-shaped lot into 2 lots. He also pointed out that there is a trail easement that did not appear on any prior ANR of this land. Overall the ANR reconfigures three lots into four lots. Boulé moved to endorse as approval not required the plan of land at 85 Cross Street dated October 20, 2005 and submitted by Carriage Estates Trust reconfiguring three lots into four new lots: 4A-3, 7.20B, 7.20A, and 4A-4. Stuart seconded the motion and it carried 5-0.

Discussion of implementation of Affordable Housing Plan, Affordable Accessory Apartment Proposal, and Inclusionary Zoning

Freedman opened the discussion by asking the PB's opinion as to whether it is worth hiring a consultant to review and determine how to maximize the value of inclusionary zoning to Carlisle. How can the Town capitalize on the use of inclusionary zoning? Boulé mentioned that there are several possible ways suggested in the literature, including allowing smaller 1-acre lots. When Freedman pointed out that Carlisle residents may not want to consider this, Boulé added that the positive effect of smaller lots would be that smaller houses could be built, thereby possibly resulting in more affordable housing in the Town. Freedman pointed out that some residents may feel this reduces their property values. Freedman concluded that the overall outcome of having inclusionary zoning in place may be to allow for more affordable housing.

Toward determining the value of inclusionary zoning to the Town, Freedman suggested that a consultant could be hired to perform a financial analysis as to whether the developer of a project like Greystone Crossing would see a benefit from inclusionary zoning. Hara ascertained from Mansfield that the PB has a copy of Concord's Inclusionary Zoning Regulations. Hara pointed out that in Concord, the number of lots in a similar type project was capped at five. Boulé added that in Concord, less than 1% of the housing was determined as affordable. Hara expressed that while we are getting anecdotal reports on Concord's use of inclusionary zoning, it would be useful to know the whole history.

Freedman stated that he will talk with Karen Sunnarborg about inclusionary zoning and how we should go about using it in Carlisle. He also expressed that we should perhaps obtain the opinion of the BOS as to whether it is worth spending funds for a consultant on this issue. Gonzales noted that the Town would have been better served by considering this and other affordable housing initiatives as a coordinated effort before hiring a consultant for an accessory apartment study.

Wireless Bylaw Subcommittee

Boulé stated his plan to ask for official endorsement in writing from the BOS at the Tuesday, October 25th meeting to fund a contract or PO to get this work done (reviewing the current bylaw and drafting a suitable amendment). However, Boulé recommended that the PB be prepared to support the wireless bylaw amendment from its “planning and professional” budget in the event that the BOS does not agree to this.

At this point, Freedman pointed out that there are a large number of issues to be addressed in the near future that will be competing for the PB budget, including: inclusionary zoning, accessory apartment bylaw, district M, adoption of 40R, among others. He reminded the PB that this is something to all be aware of in working to request additional funding. Larson pointed out that it would be possible to get input from the Town residents on which issues should be priorities by conducting some market research (questionnaires, etc.). This data could then be presented at Town Meeting in the spring.

Returning to the wireless issue, Boulé summarized that the first two items (Coverage and Site Analysis, and Bylaw Review and Adoption) of the Broadcast Signal Labs (BSL) proposal for this work totaled about \$8000. The third item, RFP development, is an additional \$7000 and he felt should be paid by the BOS funds.

Gonzales moved to authorize spending of up to \$10,000 of PB funds on wireless bylaw amendment toward whatever the BOS will NOT cover in the BSL proposal, conditional upon the BOS approval of the BSL contract. Stuart seconded the motion and it carried 5-0.

Town of Carlisle Population Projections

Stuart first pointed out that the report on Demography and Enrollment Projections can be obtained from the School Department. He explained that, basically, two projections were done.

The first projection was without incorporation of 40B affordable housing. In this case, the school age population was seen dropping off, as the overall population of Carlisle is aging. Therefore, the number of school-age children was estimated as dropping from the current 825 to between 600 and 700 by 2010-2011.

In the second projection, incorporating the 40B impact based on implementation of the proposed affordable housing plan in a controlled manner, and assuming 170 units of affordable housing, but also incorporating accelerated development and increased housing turnover, the school-age population would rise slightly to about 860 students in 2015-2016. This would be slightly higher than the recent peak enrollment of 852 in 2001-2002.

Stuart pointed out that unfortunately, projection using a developer driven map only were not conducted. He expressed that it would have been best to also include this “worst-case-scenario” case. Freedman concluded that therefore the school needs to handle 700-1000 students. Stuart pointed out that some opinions are that a modular school approach is the answer. Most felt that the school is salvageable except for Spaulding.

Hara reminded the PB that it would be a long timeframe before 40B activity would impact the school age population.

Electronic Submission of Plans

Mansfield mentioned that he has researched a few regulations that require electronic submissions, and pointed out that paper plans still need to be submitted. Gonzales added that it requires a large amount of expensive special software and equipment. Freedman reminded the PB that the goal of electronic submissions is to use them in the GIS system.

Town Hall Technology

Freedman updated the PB on his presentation at the BOS meeting. He had stated that the goal was to have an IT professional available during the day when the Town Hall staff is there to utilize them, and that a Town Hall wide assessment of the status of our technology and technology issues is necessary. This was agreed to by the BOS.

Mansfield stated that Bahr had informed him that Norman Morin (NKC Systems) had been contracted to evaluate the computers, and has done four evaluations already.

Miscellaneous

Freedman reminded the PB that there is a BOA hearing on November 3rd on the Court's order to remand back to the BOA their decision on the 1230 Westford Street property. Mansfield also added that the peer review question on Coventry Woods is also on the November 3rd agenda.

Boulé moved to adjourn the meeting, Stuart seconded, and the meeting was adjourned at 11:25 pm.

Respectfully Submitted,

Gretchen Caywood,
Planning Secretary
