



# Town of Carlisle

MASSACHUSETTS 01741

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Office of  
**PLANNING BOARD**

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## Minutes

**November 14, 2005**

**Minutes 10/24/05**

**Bills**

**Budget**

**Wireless Bylaw Subcommittee**

**Town Hall Technology**

**Development of additional GIS data layers and technical support (Applied Geographics)**

**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 Board of Appeals)**

**Potential amendments to Subdivision and Special Permit Rules and Regulations to require electronic submission of plans**

**Discussion of implementation of Affordable Housing Plan, Affordable Accessory Apartment proposal, Inclusionary Zoning**

**Joint Public Hearing with Carlisle Tree Warden of request to remove four trees and approximately 16 ft. of stone wall within the right of way at 817 Concord Street to create a new driveway entrance to an existing residence, 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 William Ho]**

**Review of Zoning Board of Appeals decision pursuant to Middlesex Superior Court remand of special permit for extension of non-conforming use at 1230 Westford Street, originally issued on 9/23/04 (Appeal of Albert Ira Gould).**

**Request for additional extension of time to complete Carriage Way Definitive Subdivision Plan (Request of William Costello)**

**ANR Plan: Koning Farm Road, Map 17, Lots 17-3, 17-4 & 17-5, Robert Koning, applicant**

**ANR Plan: 100 Long Ridge Road, Map 1, Parcels 72, 72A & 84A, Jeffrey and Lisa Brem, applicants (Mylar endorsed 10/24/05, prints to be endorsed).**

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

Gretchen Caywood, assistant to the Planning Administrator, Selectman John Williams, 104 Hart Farm Road, Gary Davis (Superintendent of Public Works), Ed Rolfe, 916 Maple Street, Bill Ho, 817 Concord Street, and Bob Zielinski, Carlisle Mosquito reporter, were also present.

### Minutes

The PB reviewed the minutes of the 10/24/05 meeting, and two changes were suggested. Epstein moved to approve the minutes as amended, Hara seconded and the motion carried 5-0-1, with Peter Stuart abstaining.

### Affordable Accessory Apartment Committee

Freedman stated that he had been asked by Doug Stevenson, BOS, for a PB representative to serve on this committee. He informed the PB that he had previously emailed Stevenson and McKenzie that he and Hara would be willing to serve as members of the committee. Freedman indicated that since he and Hara had worked on the

housing plan, it would make sense for them to work jointly on the committee. Freedman announced that as long as there were no PB objections, he will inform the BOS that he and Hara will be members of this committee. The PB had no objections to this.

### **Miscellaneous**

Freedman informed the PB of a meeting of the Land Use Team the previous week, and that appropriate meeting times for this Team are being worked out. One issue that arose at that meeting is that funds had been donated for building a “pocket park” behind the Town’s parking lot next to Fern’s. Hult (BOS) was asking what level of input the Town boards need to provide, keeping in mind that all expressed an interest in “keeping it simple”. Freedman mentioned that several PB members may be interested in providing input, including Stuart, Gonzales and Hara. Freedman expressed that site plan review may be appropriate for this project. He added that while it is unlikely a review engineer would be needed, the more organized approach of site plan review may still be beneficial. To officially go through site plan review, however, the BOS would need to hold a public hearing on the issue.

When Hara asked if there was a cost estimate for the proposed work, Freedman replied that there was not, as the project concept arose from the donated funds. Hara and Gonzales expressed their opinion that a hearing may be the best approach, especially since Fern’s tends to be a highly trafficked location, with awkwardly situated parking near a traffic circle. It therefore is especially important to assure that any changes to that area are done properly.

When Gonzales asked if a proposal or plan had been prepared for this work, Freedman replied that the BOS had seen some preliminary plans. Williams (BOS) mentioned that the plan was mainly for landscaping, and while Davis agreed, he stated that he will be at the next Land Use Team meeting to learn more about the intended plans.

At this point, Freedman reminded the PB that the Land Use Team does not have decision-making power, and also suggested that further discussion be suspended until more information is obtained at the next meeting.

### **Joint Public Hearing with Carlisle Tree Warden of request to remove four trees and approximately 16 ft. of stone wall within the right of way at 817 Concord Street to create a new driveway entrance to an existing residence, 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 William Ho]**

Ho pointed out the safety concern associated with the direct exiting of his driveway onto a curved area of Concord Street, and that his goal was to create a safer exit. Freedman and Epstein ascertained that Ho wanted to keep the existing driveway and add a turn-around. Recusing herself from the discussion as a PB member, Hara (an abutter) described the layout of the situation. Gonzales asked whether relocation of the fence would help the situation, and Ho indicated no. He added that it may help the line of vision slightly, but it is insufficient to improve the safety of the situation, especially since cars tend to speed on Concord Street.

When Bahr asked Ho what would be gained by these proposed changes, Ho stated that it would effectively double the amount of time for him to see the oncoming traffic on Concord Street. Hara suggested that the combination of moving the fence back and having the Town trim the trees and growth on the sections of Town property may help.

Freedman stated that if stones are kept on both sides of the proposed drive, it will still appear as a stone wall running along the scenic roadway. The bottom line is whether the PB objects to the stones or the indicated trees being removed.

Epstein added that the PB is merely approving the changes to remove the stones and trees, and not rendering approval on the driveway, since it is not the PB’s function. Freedman suggested that Ho may want to talk with the Building Inspector just to assure that no other approvals are necessary.

At this point, Epstein moved that the PB consent to the removal of four small trees, more particularly shown in materials submitted by the applicant, as well as approximately 16 feet of stone wall, also more particularly shown in materials submitted by the applicant, along Concord Road and affecting 817 Concord Street, a scenic road. This motion should not be taken to approve the construction of a curb cut onto Concord Street, and the applicant

will need to seek whatever Town approvals are necessary in order to put a curb cut onto Concord Street as is required by the Town regulations or by-laws. Bahr seconded and the motion passed 5-0-1, with Hara abstaining.

Freedman then suggested that Ho inform Mansfield when he learns from the Building Inspector if any other approvals are necessary.

**Request for additional extension of time to complete Carriage Way Definitive Subdivision Plan (Request of William Costello)**

Freedman reported that Stamski and McNary had written to request an extension of time for this project until August 31, 2006 to allow vegetation to be properly established. Hara moved to extend the approval for Carriage Way from December 31, 2005 to August 31, 2006. Bahr seconded the motion, and it carried 6-0.

**ANR Plan: Koning Farm Road, Map 17, Lots 17-3, 17-4 & 17-5, Robert Koning, applicant**

The PB discussed that the purpose of this ANR plan is to combine parcels a, c, and d to create Lot 3A. Also, parcels b, e, and f are combined to create Lot 5A. These changes will also result in Lot 4A having a more flexible building envelope with more separation from wetlands. Bahr moved to endorse as approval not required the plan of land in Carlisle for Robert Koning drawn November 10, 2005 by Stamski and McNary creating new lots 3A, 4 A and 5A. Epstein seconded the motion, and it passed 6-0.

**Review of Zoning Board of Appeals decision pursuant to Middlesex Superior Court remand of special permit for extension of non-conforming use at 1230 Westford Street, originally issued on 9/23/04 (Appeal of Albert Ira Gould).**

The hearing on the court-remanded decision of the ZBA to grant a special permit for the extension of a non-conforming use at this site was held last week, and the ZBA granted approval of a larger structure than they had originally approved. Freedman had attended the hearing and explained to the PB that apparently an agreement had been reached through Town Counsel under the direction of the Court that if they amended their decision in a certain way, Gould would withdraw the lawsuit concerning this property. Herndon (ZBA) read the motion to eliminate the modified decision that had led to the lawsuit, and substitute new conditions. When Freedman asked at the meeting what was the basis in the bylaw under which they were granting this special permit, Counsel said that the Court had directed them to do this. Freedman then suggested to the ZBA that they deny the permit and vote against the motion they had made, then Gould would go to the Court and get his release. In this way, they would not be setting a precedent (regarding people's expectations of the bylaw). Freedman distributed copies of a letter he was sending to the Mosquito as a citizen, not as PB chair.

**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 Zoning Board of Appeals)**

Freedman circulated a draft list of issues requiring further detail in the Coventry Woods application, and pointed out that it can perhaps serve as a draft for the PB letter to the ZBA. The PB was asked by the ZBA to let them know by November 21 what the PB feels is missing from the application. This request was relayed verbally from Cindy Nock (ZBA). Freedman pointed out that one of the waivers the applicant had asked for is that their application be considered complete, so they could receive some type of approval and then come back with more detail. Freedman stated his opinion that this is not a good idea.

Freedman indicated his opinion that the PB should not comment on items that are missing which are not related to PB issues. Therefore his draft lists issues that are generally of the type the PB addresses. He suggested that the PB begin by going through the list and commenting on the various items, which include:

- Development Impact Report
- Drainage
- Water Balance

- Traffic
- Site Plan
- Fire Safety
- Waivers

Epstein recused himself from the discussion of this issue as a PB member and moved to the audience, as he is an abutter to the property for the proposed development.

Bahr referred to the issues of water balance and fire safety and asked Epstein how these can be guaranteed. When Rocky Point/ Laurel Hollow was before the ZBA and they were proposing an alternative septic technology, one of the things the ZBA suggested is that they put aside enough money to do standard septic in the event that the proposed idea did not work. Bahr then pointed out that while septic issues can be addressed by additional funds, the water issue cannot.

Regarding fire safety, Bahr suggested that there may be a ratio of on-call fire department personnel to number of homes, to which Freedman pointed out that development cannot be limited based on this. Bahr added that an impact study would point out potential additional fire safety costs to the Town, and that the Fire Department should review the 40 B thoroughly.

At this point, Freedman indicated that it was his general sense that the ZBA should not agree to the applicant's request for a waiver that the application be considered complete, i.e. not to give approval without further details. He also referred to the letters from the abutters to the ZBA and Mass Housing indicating their opinion that there are deficiencies in the application.

With respect to drainage, Freedman stated that a peer review engineer will have to review the drainage information submitted in the application and sign off on it. Stuart asked if there is technology for modeling ground water supply issues, to which Freedman replied that a serious hydrologic study such as that would be prohibitively expensive and not necessarily definitive. Bahr and Freedman confirmed to Stuart that there is generally no reliable way to quantify aquifer content. Hara pointed out the importance of looking at water flow data from the surrounding homes before the 40B construction starts. Bahr pointed out that, once developed, there is a high-capacity demand in a small geographic area, and that once a problem occurs, it may not be possible to fix it by simply drilling another well.

Freedman stated that his understanding of the initial plan is that it did not have to meet public water supply requirements, because they were keeping the population just under what would require that, and also that data indicates that senior water consumption is lower. Stuart stated that a serious evaluation of the water supply is not present in the application, which is why Freedman included it on the list of concerns/deficiencies. Freedman indicated that the PB can recommend that a peer review engineer evaluate the water supply.

Bahr pointed out that virtually every deficiency point that Freedman has noted really requires a detailed study.

Freedman opened the discussion to the public, and Epstein (who had recused himself from the discussion as a PB member) stated that he is encouraged that the developer is saying that there is some room for discussion. He pointed out that this approach of getting feedback and a rough conceptual approval then following with much more detail has been used in the past by the PB in connection with the PB's review of subdivisions and other developments. The reasoning is that if the applicant spends considerable funds on detailing the initial plan, they may be less likely to alter it to address feedback from the Boards. However, Epstein stated that he is not clear that this is the way it will go in this case, as it does not seem to have been structured that way by the ZBA. He added that there seems to be some confusion about the process. Freedman then pointed out that Mansfield's conversation with Nock is the only way in which the PB is aware of their interest in being provided with a list of application deficiencies. Nothing was received in writing from the ZBA. At this point, Freedman pointed out that in the future it would be preferred that the ZBA put forward specific written requests for information when input is required from the Boards.

Freedman stated that the letter to the ZBA should clearly indicate that it should not be taken as a comment on the content of the entire application, as this is not possible by November 21. The PB will do this at a later date if asked to do so. Rolfe, who had recused himself from the discussion as a ZBA associate member and was speaking as a citizen, added that one option is to approve with conditions, and that a second round of input from the Boards will be required in January. Epstein requested that the PB should be clear in its letter that they are providing a preliminary list of concerns, and that there are also concerns with the overall application that need to be addressed. Therefore, the PB should request that the ZBA come back to them for further input.

Freedman suggested that he and Mansfield meet with Nock and possibly the ZBA attorney and discuss these issues concerning the process for review of the 40B application. Rolfe stressed that the ZBA needs input from the PB in order to bring it to the developer as leverage for negotiating with the developer. Epstein then indicated that perhaps the ZBA is also looking for the PB to identify problematic areas in the applications, as well as deficiencies, therefore the PB should identify big issues also.

Freedman reiterated that the ZBA is interested in having a list of deficiencies from the PB by November 21<sup>st</sup>, and that they will not want detailed information until January or February. Bahr inquired as to which Board will be approaching the developer to see if they will be negotiating.

At this point, Williams suggested that the PB make the list of what they feel is needed in the application, plus point out major concerns and state that other concerns may come up as more information is provided. He agreed with Freedman that the process for review of the application does need to be clarified with the ZBA. Williams, who is BOS liaison to both the PB and the ZBA agreed to help coordinate with the ZBA. He will also discuss overall process with the ZBA attorney and let the PB know if there will be ongoing negotiations with the Developer that the PB should be involved in.

Peter Stuart left the meeting at 9:32 pm.

When Freedman asked Epstein if he saw any other deficiencies in the 40B application, Epstein stated that more detail is needed on the roadway. He pointed out that Waltham denied a 40B with one access road of 1000 feet, and that there was much detailed discussion in Waltham over this point. He feels there are fire issues that need addressing. Hara added that this illustrates the fire safety differences between a single dwelling situation and a grouped dwelling situation. Fire safety becomes much more difficult to address.

Epstein pointed out that much more specificity is needed on the application of subdivision rules and regulations, in particular a more complete waiver list is needed. He stressed that the PB should err on the side of being very specific as we are more familiar with these rules and regulations than the ZBA is. He then cited the ZBA's Affordable Housing regulation 3.13 which requires that a list of all waivers to the Town's by laws and rules and regulations be provided, including subdivision rules and regulations, and also noted the need for such to be provided for the common driveways rules and regulations and by law. Epstein also pointed out that the water balance issues need much more attention in the application.

When Freedman asked for additional concerns, Epstein referred to the abutter's letters and their concerns with a single-access road emptying onto Concord Road, a road where many motorists tend to speed. He pointed out that the subdivisions rules and regulations only allow a maximum 1000-foot dead-end road servicing 10 homes, and common driveways are permitted fewer homes on a dead end roadway. Here we have a 2000-foot road servicing 56 units, which is far beyond anything this community has ever seen. He stated that ZBA attorney Dan Hill had mentioned this also.

Concerning the water balance, Epstein reminded the PB that there are already water quality and availability problems in nearby residences. Hara stated that in that area, water is between fracture lines in stone, and blasting will disturb it, very possibly affecting quality and quantity for both abutters and the new residents. She also stated that there is a high iron content in the water there already, and that it could be increased by disturbing the fracture lines with blasting for constructing this project.

Additionally, Epstein pointed out that one of the purposes for 2-acre lot zoning in the community is to protect and preserve the water supply in the community. Also, drainage issues have not been sufficiently addressed in the application. An additional concern of Epstein and other abutters is the proximity of their homes to this proposed development project. Although the buildings will be 40 feet from the property boundary, the bylaw was set up for single family residences, and in this case, following that bylaw will result in the appearance of a “wall” of housing disturbingly close to some of the abutters’ homes. He pointed out that in the design for affordable units on the Benfield property, the design took precautions to shelter the adjacent homes, placing the construction further back on the property.

Another concern Epstein pointed out is the phased nature of the development. This will likely not allow for a moratorium on 40B applications, as 4-5 new units will be created per year. When Freedman inquired as to why the developer is using a phased approach, Epstein was not sure. In addition, Epstein expressed concerns that the age restriction originally proposed was for seniors only, and that now it appears that only one member per household needs to be 55 or older. When Freedman felt this is not a PB issue, Epstein disagreed.

Freedman stated that senior housing keeps the water use below levels that would require public water supply. Rolfe added that if the higher water usage figures were used (as for non-senior housing), the water consumption would be greater than 10,000 gallons, and this would require putting in a treatment plant. Therefore to keep below this usage rate, the developer would have to “lose” 10-14 units of his planned development to keep water usage rates below 10,000 if it was not listed as senior housing. Rolfe pointed out that the ZBA’s hands are pretty much tied, and it is deny, approve, or approve with conditions.

Hara agreed to review the letter to the ZBA that will be drafted by Freedman and Mansfield.

**Discussion of implementation of Affordable Housing Plan, Affordable Accessory Apartment proposal, Inclusionary Zoning**

Freedman indicated that he had spoken with Sunnarborg (Affordable Housing consultant), who provided him with two names of people who have experience developing inclusionary zoning bylaws. One name, Edith Netter, was known to Rolfe and Gonzales, as she coauthored Mass Housing guidelines outlining a process that ZBAs should follow in reviewing 40B’s, and she had also worked on Boston’s inclusionary zoning bylaw. Freedman stated his opinion that the Town should hire a consultant to assist with the development of the bylaw. He agreed to discuss the consultants with Mansfield and work on an RFP.

**Town Hall Technology**

Freedman updated the meeting attendees on measures that the BOS had agreed to for addressing Town Hall technology issues. He stated that the BOS agreed to arrange for an IT professional to be available during Town Hall business hours when the staff is there to utilize them, and that a Town Hall wide assessment of the status of our technology and technology issues is necessary. There is apparently some confusion as to the current plans regarding the anticipated IT professional.

Epstein moved and Bahr seconded the adjourning of the PB meeting at 10:10 pm.

Respectfully submitted,

Gretchen A. Caywood  
Planning Secretary