

Carlisle Planning Board Minutes

April 8, 1968

Present were: H. Hosmer J. Macone F. Smith
 T. Herndon R. McAllister
 D. Spaulding C. Evans

The meeting opened with a discussion, item by item, of Mr. Perley's suggested drainage modifications on the DeBonis Subdivision. Mr. Skane and Mr. DeBonis first took up the matter of curbing between stations 11 and 7 plus 50, on the 5% grade area. Mr. Skane said that he proposed a curb or gutter of bituminous concrete along the road to the area of the 15" pipe which would carry the brook under the road. Mr. Skane had talked to Mr. Perley on these matters, and felt that Mr. Perley was agreeable to the diameter of the pipe, as well as the curb and gutter proposal. Mr. Skane remarked that a 9" pipe would be adequate to carry the brook under the road, but that he had proposed a 15" diameter, for adequate safety factor, and that the pipe would be of bituminous coated, galvanized, corrugated iron construction. On item 2 of Perley's suggestions, Mr. Skane remarked that it was his impression that the recommended pipe and catch basins were unnecessary, as water would not erode the area since the distances were short. Mr. Hosmer asked what Mr. Perley thought of this proposal, and Mr. Skane noted that Mr. Perley had been guided by Concord's requirements which were not necessarily applicable in this instance, and that it was his impression that Mr. Perley thought the sluiceway would be acceptable.

Since the turn around had been eliminated from the plan, it was Mr. Skane's impression that the suggestions relating to drainage in that vicinity, including the catch basin detail, no longer had any relevancy, and understood that Mr. Perley had agreed that the problem had been eliminated by removing the turn around.

With regard to the easement suggestions, (5 a and b) Mr. DeBonis noted that he would be happy to give any easements requested, although he did not see the reason for such easements. Mr. Skane remarked that the easement at the brook would need to be only over that portion of the brook which drained from the road toward the low areas at the westerly side of the property. This, he felt, would solve the problem of the added water from the road being drained toward the meadow areas. Mr. Hosmer asked Mr. DeBonis if there was any problem in giving these easements, and Mr. DeBonis said that he would provide any easements requested by the Board. The question arose as to why 5c was suggested by Mr. Perley. Mr. Herndon explained that Mr. Perley had thought that this would release the town from any responsibility incurred by sand and silt draining from a town way across what might become a private lawn in the future. Mr. Hosmer noted that the basis for wanting most easements was to protect the town, and prevent abutters from making unreasonable demands on the town, but he was uncertain if this easement was practicle.

Mr. Skane then turned to the suggestion that a grouted cobble water way be installed to the headwall near the brook. He asked if a non grouted cobble water way would be satisfactory, and stated that he would be happy to insert a note on the plan to install 10 foot long, 2 foot wide stone water approaches at each end of the headwall. Mr. Hosmer replied that the Board would have to submit the plan to Mr. Perley for his commentary, and asked Mr. DeBonis what he planned to do, since the Board's extension would expire on April 12. Mr. DeBonis asked if he could apply for an additional two week extension, and the Board agreed that it would grant such an extension so long as it was received by the 11th of April. Otherwise, it would deliver to Mr. DeBonis its letter of disapproval.

Mr. DeBonis then presented sheet two of his plan, which encompassed the northerly access road. He said that the grade was to be modified to not exceed 10%. The Chairman inquired about how much excavation would be required to provide an adequate foundation in the low area of the land. Mr. Skane replied that there seemed

to be an abundance of rock in that area, and he did not anticipate a great deal of excavation. He pointed out that stone gutters were proposed for either side of the road, where it would come down the 10% grade, to prevent excessive erosion. Mr. Spaulding asked about the width and rounding of the pavement where it would connect with Baldwin Road, Mr. Skane replied that it would be radiused as the Board had suggested. Mr. DeBonis commented that he had forgotten to show the paving alignment at that point, as the Board had requested, and that this would be added to the plan. Mr. D. Cochran asked, from the audience, what the slope of the road would be at the point where it connected to Baldwin Road. Mr. Skane replied that it would be approximately a 1.6% grade for a distance of approximately 20 feet from the intersection, and that it would be considerably less than the Board's requirement of 4% for 25 feet back from the edge of Baldwin Road. Mr. Hosmer noted that the plan should be submitted to Mr. Perley for his commentary, and Mr. DeBonis said that he would do this, as well as give copies to the Town Clerk and Board of Health Inspector. Mr. Hosmer commented that the Board should consider the general grade question in consultation with Mr. Perley.

Mr. Robert Connelly then asked for the Board's approval of his preliminary subdivision plan. The Clerk noted that Messers Smith, Evans, Spaulding, and himself had walked the land with Mr. Connelly on April 6, and generally found it to be suitable regarding road alignment and lot layout. Mr. Connelly explained that cutting and filling would be required in the vicinity of the turnaround, to make certain that the maximum elevation difference of the circle would not exceed 2 feet. Mr. Hosmer inquired about the location of brooks and waterways, and Mr. McAllister asked about the running spring which he recalled as being on this property. Mr. Connelly explained that, as he understood the engineer's proposal, there would be catch basins on the road to pick up water from the road and deposit it at the natural waterways. Mr. Evans asked if the engineer had given Mr. Connelly an estimate of the potential run off through the stone culvert beneath Westford Road. Mr. Connelly said that no estimate was available, but that he would get it if necessary. He noted that the drainage along Westford Road could be arranged so that no water would go through the culvert from the subdivision, if the Board desired. He guessed that the land comprising lots 1, 2, 3, 4, 20 and 21 was drained by this culvert, and that such flow could easily be channelled back across the westerly edge of the subdivision. He noted that he could also eliminate the catch basins entirely if desired. Mr. Evans commented that it would be better to possibly keep the catch basins, but to arrange any overflow back across the subdivision, as a more proper safety valve than the culvert would provide. Mr. Connelly also commented that he would have to make a 10 foot cut into the bank in the vicinity of lots 8 and 14, and then slope the up hill side at a 2:1 grade. Mr. McAllister asked if the existing water courses would handle the drainage, and Mr. Smith thought that there would be no problem in this regard. Mr. Hosmer asked whether drainage water should be intercepted on the uphill side of the pavement, to prevent water flow across the surface. Mr. Evans asked if curbing was contemplated in the areas of the cuts. Mr. Connelly was uncertain as to the precise drainage details, but said that he would try to follow the Board's suggestions in this regard. Mr. Evans thought that the water should either be caught before the road surface, and channelled by pipes beneath the road or that it should be confined to the road surface and thence to catch basins to give protection from undercutting the pavement. The Board unanimously approved the preliminary plan.

Mr. John Ogden of Bedford submitted his completed preliminary plan to the Board. The Clerk noted that the land had been viewed on April 6, by Messers Smith, Evans, Spaulding and himself, and that except for the question of making certain that adequate drainage beneath the proposed road in the vicinity of a running stream, the alignment and lot layout seemed satisfactory. Mr. Hosmer told Mr. Ogden that the name of the road suggested by Mr. Ogden might be changed at the option of the town, and Mr. Ogden said that this would be acceptable. He then explained that a 30 inch diameter culvert was proposed for the area of the flowing stream, Mr. Evans

asked if the Board could have the engineer's calculations for this drainage proposal, and Mr. Ogden said that such calculations would be provided. Mr. Evans noted that it might be better, to have an elliptical culvert installed, as it would carry more water, and could be cleaned out easier. The Board unanimously approved the preliminary plan.

Mr. Ingemann Nielsen submitted a revised plan of a previously accepted plan for lots on East Street. The revision involved changing the lot arrangement from two lots of about 5.3 acres each, to four lots, each in excess of 2 acres. Mr. Hosmer noted that this constituted a new subdivision, and Mr. Nielsen said that he was proposing a road with perhaps a 16 foot wide pavement. Mr. Hosmer commented that the road could not be accepted by the Town, under the present by-laws, and Mr. Nielsen replied that he was also investigating the possibilities of an 18 foot or 24 foot pavement. A general discussion took place as to whether the plan should be submitted as a small or regular subdivision, and it was the sense of the meeting that it would be preferable to have it submitted as a regular subdivision. The Chairman observed that the main virtue of the small subdivision regulation was that the maintenance of such short spur roads wouldn't be the responsibility of the Town, but that snow plowing could be done by the Town, at the option of the Selectmen. Mr. Nielsen said that he would submit the plan as a regular subdivision and asked if the Board could walk the land in the near future. The Board said that it would do so.

Mr. Nielsen then submitted, for Planning Board Approval Not Required signature, a plan of land which had all frontage lots, and consisted of two 2 acre lots and 1 pork chop lot. Mr. Hosmer asked if there were 250 feet through the existing house on the "pork chop" lot, and Mr. Nielsen assured him that there was. The Clerk signed the plan. Mr. Nielsen then commented that he was considering giving, the Town through the proper committee or board, a one acre parcel of land between new and old East Street. He felt, however, that he would do this only if he were sure that the land, which has a stream and trees on it, would be used for a park or recreation area. The Board felt that this was a generous offer, and Mr. Evans commented that the town should look into the legal ramifications of using such property as a park, or conservation land, as there was a fine legal difference which might be important. The Clerk commented that the Recreation Commission was interested in the area as a recreation area, and Mr. Nielsen said that he was going to meet with the Recreation Commission in the near future to discuss the matter.

The Board then considered a request by Boston Edison Company for Planning Board Approval Not Required signature on a proposed power line going across land of Howes' on East Street. Mr. Hosmer thought that since this was to allow the Edison Company to register the plan, and that since the work was being done on private property, there would be no reason why the Board shouldn't sign the plan. Mr. Smith inquired whether the owners of the property shouldn't be consulted, and Mr. Hosmer said that this was not necessary, since the Edison Co. would have to obtain their permission before installing the wires anyhow.

The Clerk outlined a question put to the Board by the Building Inspector, in which he asked if a two acre lot, of Duren approved by the Board in 1957, was still a legal building lot since it had frontage only on a 20 foot wide unimproved way. Mr. McAllister recalled that, at the time of approval, the Board had thought that since the 20 foot wide strip was an existing way which would be dead ended by the formation of the building lot, it was desirable to approve the plan and thus effectively relieve the Town of any responsibility to ever improve the way, since it would then essentially become a private way. Mr. Hosmer observed that the way had been in existence, but that did not alter the fact that it did not provide enough frontage for a lot. However, since the plan had been approved before current regulations became effective, the Board felt that the plan should be allowed to stand as a building lot.

The Clerk then outlined to the Board the Selectmen's views with regard to legally

abandoning Morse Road, Two Rod Road, the woods portion of Baldwin Road and the old part of East Street. Mr. Smith noted that it would be unfortunate to lose the use of such ancient ways as Morse Road, and Mr. Spaulding thought that it might be appropriate to somehow reserve the roads as walking or bridle paths, but not as town ways. Mr. Hosmer commented that this approach would not be easy to do, as such ways were either town ways or private ways, and as private ways the owners had every right to prohibit trespassing. He went on to say that there was good reason to abandon old ways, as it could save the town money in maintenance or restoration costs and also remove the town from any liability relating to such ways. However, he thought abandoning specific ways as proposed was not as good as abandoning all ways except for a list of specified roads, and thus remove the town from responsibility for any unknown ancient ways. The Board generally felt that abandoning disused ways was desirable, but that it would be good if these ways could be kept as paths for use by the townspeople.

The Board then discussed the letter which Mr. Hosmer had composed to Town Counsel which outline the question of whether a developer had to obtain Board approval to widen a previously approved subdivision (not accepted by Town) road. It was noted that the date cited for the adoption of the road width by law was 1959, rather than 1962, and Mr. Hosmer said that this would be corrected. Mr. McAllister commented that such approval would not be needed in this case, because a. the application was filed for a 40 foot wide road, which implied that the road would be submitted for town acceptance, and b. the developer (Mr. McAllister) knew that a 24 foot wide paved surface was required for acceptance, and that fact implied that a 24 foot surface would be installed eventually. Mr. McAllister also noted that it was his impression that many 18 foot wide roads had been later modified to 24 feet for acceptance. Mr. Hosmer observed that argument a. was consistent, but did not necessarily imply that acceptance would be sought, and that Mr. McAllister's second point was mainly argumentative, and it was not persuasive. He also recalled that most plans had contemplated 24 foot paving, and had not been later modified, and cited the McLeod development off of Bedford Road, which was submitted as a 18foot road, rejected at Town Meeting, and never widened to comply. After some general discussion, the Board agreed that the letter should be sent to Counsel.

The Board then turned to the question of road width regulations, and a general discussion of possibly having various requirements for several types of roads ensued. Mr. Evans felt that this would be appropriate, but that it was extremely difficult to implement such a plan. It was also suggested to have only a minimum width required, with the Board deciding on each plan as it came up. This was thought to lead to much difficulty, with respect to enforcement of a Board originated requirement which was wider than minimum. The Board also discussed the by-pass problem briefly, and Mr. Hosmer thought that it might be proper to compose a resume about the problems affecting town roads, which the Board would send to all homes in town. Then a hearing could be held to assess opinion on roads and also perhaps on the by-pass. The Clerk felt that combining both in one hearing might be confusing, and require an adjourned hearing. Mr. Spaulding asked why there were only two proposals for the by-pass, and Mr. Hosmer replied that the possibilities were limited by terrain and buildings, and that the fact that both the Benjamin proposed by-pass and the later proposal of Mr. Macone were very similar indicated that additional proposals would probably not be useful, as they might well be simple modifications of the existing plans. Mr. Hosmer then suggested that Mr. Herndon and himself prepare a tentative communication to the town which would sketch out possible road modifications, for the Board's criticism at its next meeting.

Mr. Evans then noted that in the previous meeting he had not intended to imply that 24 foot wide pavement would be illegal for a small subdivision, as reported in the minutes of that meeting. He said that he meant that a 24 foot wide pavement would, in his opinion, be questionable for inclusion in a small subdivision plan.

Respectfully Submitted,
Terry O. Herndon Clerk

AGENDA * CARLISLE PLANNING BOARD

Saturday April 6, at 10:00 a.m. the Board will meet at the intersection of Cross Street and Westford Road to view the land of "Tricorn Homes".

At approximately 11:00 a.m. the Board will then proceed to North Road to look at land of John Ogden.

Monday April 8, is the date of the Board's regular meeting in the Selectmen's office at 8:00 p.m. The agenda will include -

1. Continued talks with DeBenis -- the extension granted by the Board on his subdivision terminates on April 12.
2. Possibly Ogden or Connolly, of "Tricorn Homes" will want to talk with the Board after we have looked at their preliminary subdivision arrangements.
3. Discussion of the suggested changes to the Board's Rules and Regulations.
4. By-Pass?