



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

May 14, 1979

Present: Raftery, Coulter, Courant, Hannaford, Chaput, Sauer, Kulmala

Review of the Minutes of the April 23 meeting was deferred to the next meeting.

A plan of land of Paul and Annie Smith on Martin Street, containing 4.014 acres with more than adequate frontage was signed under approval not required.

The Public Hearing on a Common Driveway Application by Davis for land on Westford Road owned by him and Harlow was called to order. Chairman Raftery read the public notice as it had been published. Davis presented a revised plan showing location of culverts and a revised maintenance agreement including provisions for drainage.

There was discussion of the part of the driveway which was an easement over Lot 2 to be used by owner of Lot 3 and whether or not this section should be shown as part of the common driveway. Davis felt that since it was to be used only by him he could not ask Harlow to participate in its maintenance. The Bylaw, however, requires that any part of a driveway which is not contained on the lot it serves shall be considered a part of the common driveway.

The granting of the Permit was unanimously approved with the following conditions: (1) that the private driveway shown on the plan shall serve no more than two lots (2) that the owner(s) of the two lots shown on the plan file with the Registry within one year of this decision (3) that a copy of the maintenance agreement as approved by the Planning Board be filed with the Registry and shall be referenced in each deed conveying title to the lots shown on the plan.

It was also suggested, but not made a condition, that a copy of the Permit, showing book and page numbers, be filed with the Planning Board. The Public Hearing was adjourned.

The Public Hearing on a Common Driveway Application by Richardson for land on Fiske Street was called to order. Chairman Raftery read the public notice as it had been published. Roger Corbin, representing Mr. Richardson, explained that the plan showed an existing driveway on Lots 1 and 2 which will only serve those lots. Culverts shown are already existing. He explained that Parcel X, shown on the plan as "not a legal building lot" is Mr. Richardson's garden and could be joined to one of the adjoining parcels in the future.

It was felt that the application was incomplete since it did not include as Exhibit A some minimum driveway specifications as to construction, width, etc. It was pointed out that although the Application was for only Lots 1 and 2, the maintenance agreement also provided an easement to the owner(s) of Lot 3 and Parcel X to pass back and forth but did not require they participate in maintenance. While it is not the Board's duty to see that the costs be apportioned "fairly" since anything the buyer's agree to between themselves is not the purview of the Board, it was pointed out that it was potentially ambiguous and that Lot 3 and Parcel X should either be deleted from the maintenance agreement or added to the Application.

This Public Hearing was adjourned to May 21 at 8:00 p.m.

The Environmental Design Group of Radcliffe Institute made a presentation of a land use plan which their class had developed for Carlisle. Their presentation took into account areas that are presently developed and the best for potential development; operating farms and best potential agricultural land; visual aspects; existing wetlands, existing forest and the best potential land for forestry. They reported that the soil maps they had worked with were about fifty years old and perhaps inaccurate in light of new technology. There was brief discussion as to the possibility of the Board's obtaining copies of the maps prepared by the students. Kay Kulmala will follow up on this.

Jim Beckman presented the thinking that the Housing Study Committee had followed to date in preparation of their presentation at Town Meeting. Beckman reported that the possibility of buying the adjoining Porter piece for a leaching field looked like it could solve one of the problems with the Clark Land. While the Committee, as a result of strong feelings of members of the 60+ Club, felt that the Clark Land was the best location of a 12-16 unit construction, one Planning Board question was whether it was the best use of that particular parcel as far as the Town was concerned.

Vivian Chaput reported that the Committee also felt strongly that land should be reserved for additional units. The Conant Land was felt to be the best for this purpose.

Meeting adjourned at 12:00 p.m.

Respectfully submitted,

Meredith DeLong
Secretary to the Board

CARRAGHER, FOX AND LAMPERT

ATTORNEYS AND COUNSELLORS AT LAW

THREE VILLAGE SQUARE

CHELMSFORD, MASSACHUSETTS 01824

617 256-4167

May 10, 1979

Mr. Phillip Dumka
Fiske Street
Carlisle, MA

Dear Mr. Dumka:

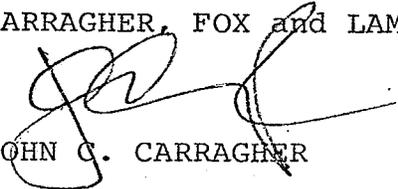
In response to my letter to you dated May 8, 1979, concerning your development of your Lot 5 in Carlisle and Chelmsford and your Lot 6 in Carlisle, you have re-graded the graveled driveway to the south of the wall at land of Mr. and Mrs. Edgar J. Auger, and have removed the drainage pipes you had installed which were flowing water onto the Auger land.

I have this date inspected the work you have performed and inform you that it is now satisfactory to Mr. and Mrs. Auger. The driveway has been regraded so that water accumulating on your property should not flow onto the Auger land, the drainage pipes have been removed and the stones in the wall have been replaced.

I appreciate your prompt response and cooperation.

Very truly yours,

CARRAGHER, FOX and LAMPERT


JOHN C. CARRAGHER

JCC/kp

cc: Mr. and Mrs. Edgar J. Auger
Carlisle Planning Board
Carlisle Conservation Commission
Chelmsford Conservation Commission
Chelmsford Building Inspector
Howard J. Hall, Esquire

CARRAGHER, FOX AND LAMPERT

ATTORNEYS AND COUNSELLORS AT LAW

THREE VILLAGE SQUARE

CHELMSFORD, MASSACHUSETTS 01824

617 256-4167

May 8, 1979

Mr. Phillip Dumker
Fiske Street
Carlisle, MA 01741

Dear Mr. Dumker:

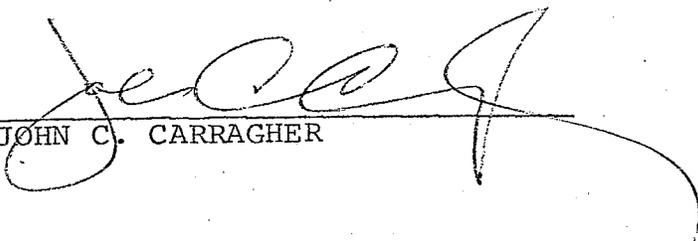
This office represents Edgar J. Auger and Gracia C. Auger of 113 Elm Street, the owners of land in Chelmsford abutting land in Chelmsford and Carlisle owned by you.

In the course of developing Lot 5 in Chelmsford and Carlisle and Lot 6 in Carlisle you have filled the abutting ground to the south of the wall abutting the Auger land, and have installed drainage pipes terminating at the wall which are discharging water onto the Auger land without any right and without any easement.

You are hereby notified that unless your property is regraded to preclude surface water from flowing onto the Auger property, and unless the drainage pipes flowing water onto the Auger property are removed, and the Auger premises restored, within five days, a complaint will be filed against you in the Superior Court seeking orders to restrain these trespasses, and for damages.

CARRAGHER, FOX and LAMPERT

BY


JOHN C. CARRAGHER

JCC/ca

cc: Mr. and Mrs. Edgar J. Auger
Howard J. Hall, Esquire
Chelmsford Conservation Commission
Carlisle Conservation Commission
Carlisle Planning Board
Chelmsford Building Inspector