



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

February 25, 1980

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

A letter had been received from Mr. Taylor, Hemlock Hill Road, expressing his appreciation for the time members of the Board took at the last meeting to explain to him the Laurelwood Drive situation.

Vivian Chaput informally presented a plan of land on Church Street showing Lot 7, 3.59 acres with 399.98-foot frontage, and Lot 14A, containing 0.87 acres with no frontage. Lot 7 is presently owned by the Town; Lot 14A is currently under separate private ownership. It is proposed that the Town will buy Lot 14A and combine it with Lot 7 to create a 4+ acre parcel for Housing for the Elderly. The plan also showed Lot 7A, containing the walkway between the library and the school, which will be excluded from the parcel but shows an easement for the leaching field. This plan will be formally presented at a future meeting after some changes recommended by Board members.

To open the Public Hearings, Vivian Chaput read the public notices as they had been published. Hearings were held on the following:

- (1) Proposed Zoning District Change: Old Congregational Church
- (2) Proposed Additions to Zoning Bylaw; Corner Clearance
- (3) Proposed Additions to Zoning Bylaw: Accessory Structure Setback
- (4) Proposed Zoning Bylaw Change: Clarification of Wording re Contiguous Porkchop Lots
- (5) Proposed Addition to Subdivision R&R's: Fire Protection
- (6) Proposed Addition to Subdivision R&R's: Fees and Expenses
- (7) Proposed Addition to Subdivision R&R's: Plans Believed Not to Require Approval Under the Subdivision Control Law
- (8) Proposed Addition to Procedural Rules for Comm Driveway Special Permit; Procedures for Amendment

See attached Minutes of Public Hearings. The Public Hearings were adjourned at 11:15 p.m.

Minutes of the February 11 meeting were accepted as read.

It was reported that the DPW plans to do road work on South Street including widening which will require removal of some trees. Since this is a Scenic Road, a public hearing will be necessary. This hearing will be held on March 24.

Frank Hannaford reported that George Nickerson had asked whether the board would be willing to release one lot on Oak Knoll Road even though the way is not yet paved. It was felt that a release would be considered only if a new covenant were written that no building would be constructed on that lot until the road paving is completed.

The meeting adjourned at 11:40 p.m.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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

Proposed Zoning District Change: Old Congregational Church

The Hearing began with remarks from Mrs. Hensleigh explaining why she felt that changing the zoning of this building from General Residence District A to Carlisle Center Business District was the best approach to preserving both the exterior and interior of the building--that it was necessary that it be economically feasible to preserve the building. She enumerated the disadvantages of turning the building into apartments or a single-family dwelling. Howard Hensleigh read the proposed wording of the two articles planned for Town Meeting. The first proposed rezoning for this building only for business purposes. The other would make it possible for the Board of Appeals to grant special permits within the Historic District for business purposes. They prefer the first; the second would be withdrawn at town meeting if the first proposal passed.

Kay Kulmala read the list of permitted uses as of right if the building is rezoned to Business. Allen Wright, Concord Street, asked whether anyone in the Historic District can ask for a variance to Business. This building is unique and the Board is inclined to recommend the spot zoning change, but the Town Meeting makes the final decision. Robert Hilton suggested that other uses, apartments for example, would be more appropriate. Mrs. Hensleigh responded that uses for the building have been sought since 1962. Apartments will destroy the integrity of the interior of the building.

Silvia Sillers, Concord Street, expressed concern over expansion of the Business District outside of the rotary in the Town Center. Rollin Young, School Street, expressed his opinion of no objection to any uses of the building which would maintain its outward appearance.

It was stated that there would be ample parking under the rule of 6.6 spaces per 1,000 feet gross area. There was some difference of opinion as to this statement, since parking at the post office, which now occupies a portion of the building, is sometimes congested. It was pointed out that if the building is rezoned to Business, Site Plan Approval and other reviews would provide protection.

It was moved, seconded and unanimously voted in favor of recommending that the following Article be adopted at Town Meeting:

ARTICLE 36. To see if the Town will vote to amend the 'Zoning District Map of Carlisle, Mass.', which is made a part of the Zoning Bylaws by Section 2.B, by changing the classification of the following locus from 'General Residence District A' to 'Carlisle Center Business District', or take any other action relative thereto;

The parcel of land at the Southwesterly corner of Church and School Streets bounded

Northerly by Church Street, 115 feet;

Easterly by School Street, 220.20 feet;

Southerly by land now or formerly of Ethlyn Gerow, 127.50 feet; and

Westerly by land now or formerly of John H. O'Connor, Jr., 215.40 feet,

being the same premises described in Certificate of Title Number 21447 recorded in the Land Court, Middlesex North Registry District, Book 110, Page 93.

(BY PETITION)

The Hearing was adjourned.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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

Proposed Additions to Zoning Bylaw: Corner Clearance

The Hearing was opened. Pat Cutter asked for some kind of sketch to be included in the Bylaw if it is adopted. It was felt that the sketch should be available at Town Meeting to clarify the intent of the Bylaw. Town Counsel Neil Melone suggested changes in wording.

A motion was made, seconded and unanimously voted in favor of recommending the adoption of the following Article:

4.B.3. Street Corner Clearance. No fence, wall or other structure or other object or vegetation or slope which impedes visibility at street intersections shall be allowed within any triangle, two of whose sides extend 20 feet from the intersection along the street lot lines, and between two planes 3 feet and 7 feet above the level of the crown of the traveled ways. In the case of a rounded corner the intersection of the street lot lines shall be the point of intersection of their tangents.

The Hearing was adjourned.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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Proposed Addition to Zoning Bylaw: Accessory Structure Setback

The Hearing was opened. Sketches were felt to be appropriate to clarify the intent of this Bylaw. Town Counsel Neil Melone suggested changes in wording.

A motion was made, seconded and unanimously voted in favor of recommending the adoption of the following Article:

4.B.2. Signs and Accessory Structures Setback. The following setbacks shall apply in all districts.

- a. Signs over 36x48 inches shall be set back as required for buildings on the same lot. (See 5.C.2.b)
- b. No fence, wall or other structure or vegetation which impedes visibility at the intersection of a traveled way or a street and a driveway or path shall be allowed within any triangle, two of whose sides extend 20 feet from the intersection along the line of the edge of the traveled way or street and the driveway or path, and between two planes 3 feet and 7 feet above the level of the crown of the traveled way or street. In the case of a rounded intersection of the traveled way or street and the driveway or path the intersection shall be the point of intersection of their tangents. Any structure or vegetation which is over twenty four inches (24") in length will be considered to impede visibility if it is over thirty percent (30%) opaque.
- c. Flag, utility and light poles are exempted

The Hearing was adjourned.

Respectfully submitted,

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

Proposed Zoning Bylaw Change: Clarification of Wording re Contiguous Porkchop Lots

The Hearing was opened. Rollin Young, School Street, and Frank Berry, Concord Street, had questions regarding wording which was not clear to them. It was explained that a currently non-conforming lot would be considered a full building lot for the purposes of this bylaw. It does remain true that if your neighbor carves two porkchop lots from his land next to the lot line between his land and yours, you are prevented from cutting out a porkchop lot on your land next to that lot line.

A motion was made, seconded and unanimously voted in favor of recommending the adoption of the following article:

4.A.2. Frontage Exception for Larger Lots (Pork Chop Lots).

Notwithstanding the above provisions, a lot in General Residence A or B District need not have the specified amount of street frontage, provided that: (a) the area of the lot exceeds by at least two (2) acres the minimum area required above for the district in which it is located, (b) the width of the lot is such that a straight line drawn through the site of the dwelling to the nearest opposite boundary lines is at least 150 feet in Residence District A or at least 250 feet in Residence District B, (c) the lot has a minimum street frontage of not less than forty (40) feet and a width of not less than forty (40) feet at any point between the street and the site of the dwelling, (d) it is not, in the opinion of the Planning Board, so located as to block the possible future extension of a dead end street, (e) there is not more than one other such lot with frontage contiguous to it, and (f) any other lot with frontage contiguous to it conforms to the area and frontage requirements of Section 4.A.1. for a dwelling site.

The Hearing was adjourned.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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Proposed Addition to Subdivision Rules and Regulations: Fire Protection

The Hearing was opened. Bob Koning, Fire Chief, was present to make suggestions regarding this proposal. Despite the cost of maintaining dry hydrants and possible cost of replacing pumps, etc., he felt he would rather have them than nothing. It was felt that maintenance could not be left as the responsibility of the neighborhoods in which they are located, for one reason because they would likely be used to benefit property outside of those neighborhoods. It was clear that dry hydrants would be an acceptable alternative only if water is unavailable from any other source in the subdivision.

Selectman Al Peckham requested that water holes, etc., be required to be deeded to the Town. It was felt that this could not be required since in some cases the area of the water hole is needed to make up the required acreage for a building lot. The required easement to the Town for access and a fence was seen to be adequate. Liability was seen to be the same in either case. Since maintenance of the water hole and its fence would be Town responsibility, liability would lie with the Town whether it owned the land or whether it had an easement.

A motion was made, seconded and voted six in favor, one opposed, to adopt the following addition to Subdivision R&R's:

Add new Section 4.F which shall read as follows:

4.F Fire Protection

1. No lot within the subdivision shall be farther than 2500 feet from an adequate source of water, as defined below, measured along an existing public way and/or proposed subdivision road shown on the Plan and the access way to the source of water.
2. A source of water shall be adequate if it is no farther than 25 feet from the nearest access point which can be reached by a Fire Department truck and is accessible for use by the Fire Department, and is (in order of desirability):
 - a. A water hole having a minimum recharge rate of 500 gallons per minute, or

Proposed Addition to Subdivision Rules and Regulations: Fire Protection

b. A water hole containing a minimum of 10000 gallons throughout the year.

(In the event that an adequate source of water cannot be provided by means of a water hole as specified in subparagraphs 2.a or 2.b above then the Board may, upon the recommendation of the Fire Chief and a showing that said water holes are not feasible as a matter of engineering, approve the installation of a dry hydrant connected to a storage tank with minimum capacity of 5000 gallons, which tank shall be automatically maintained at full capacity by recharge from a well and pump system satisfactory, as shown to the Board in writing, to the Chief of the Town Fire Department.)

3. A five (5) foot high chain link fence with locking gate shall be provided to enclose each water hole.

4. An easement shall be given to the Town to provide access from the existing public way or proposed subdivision road to the source of water and for maintenance of the water hole or dry hydrant system.

5. All equipment associated with a dry hydrant system and fencing surrounding water holes shall be given to the Town for maintenance as Town property. However, until such time as the Town accepts such equipment or fencing, it shall be maintained in good repair and working order by the developer.

The Hearing was adjourned.

A copy of the above addition, certified by the Town Clerk, will be transmitted to the Registry of Deeds and Recorder of the Land Court. It will become effective upon transmittal.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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Proposed Addition to Subdivision Rules and Regulations: Fees and Expenses

A motion was made, seconded and unanimously voted in favor of adoption of the following addition to Subdivision R&R's:

Section 3.A.2. is amended by deleting it in its entirety and substituting therefor:

2. Fees and Expenses

If a Preliminary Plan is filed, it shall be accompanied by a Filing Fee of \$5 per lot in the proposed subdivision. This fee covers no expenses incurred by the Board for professional services of engineers and attorneys in connection with review or inspection of the Plan, associated documents, and the subdivision.

The subdivider shall reimburse the Town for all expense incurred by the Board for professional services, including, but not limited to, engineers, surveyors and attorneys, rendered in connection with review or recording of the Plan and associated documents and engineering and inspection of the Plan and subdivision.

The Hearing was adjourned.

A copy of the above addition, certified by the Town Clerk, will be transmitted to the Registry of Deeds and Recorder of the Land Court. It will become effective upon transmittal.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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Proposed Addition to Subdivision Rules and Regulations; Plans Believed
Not to Require Approval Under the Subdivision Control Law

The Hearing was opened. A motion was made, seconded and unanimously
voted in favor of adoption of the following addition to Subdivision R&R's:

Delete present Section 2.B and substitute therefor:

2.B PLAN NOT BELIEVED TO REQUIRE APPROVAL

1. Filing of Plan. Any person who wishes to cause to be recorded
in the Registry of Deeds or to be filed with the Land Court a plan
of land and who believes that said plan does not require approval
under the Subdivision Control Law must:

(a) File with the Board, with a copy to the Town Clerk, an
application Form A, properly executed and in duplicate;

(b) Submit, with said Form A, the plan, with two prints thereof,
to the Board accompanied by the evidence necessary to show that the
plan does not require approval under the subdivision control law; and

(c) Pay to the Town of Carlisle, upon filing of said Form A, a
non-refundable filing fee of \$15.00.

2. Contents of Plan. The dimensions of said plan shall be as
required in "Plan Regulations of the Registry of Deeds" in effect at
the time the plan is submitted to the Board. Each plan submitted to
the Board shall contain at least the following:

(a) Identification of the plan by name of owner of record,
location of the land in question and, if different, the name of the
applicant.

(b) the statement "Approval Under Subdivision Control Law Not
Required", and sufficient space for the date and signatures of all
members of the Board.

(c) The zoning classification of the land that contains the
property and location of any zoning boundary lines that lie within
the area, including the overlay Wetland/Flood Hazard District.

(d) The entirety of any lot having its boundaries changed must
be shown unless specifically waived by the Board.

Proposed Addition to Subdivision Rules and Regulations: Plans Believed
Not to Require Approval Under the Subdivision Control Law

(e) Notice of any decisions by the Board of Appeals and Conservation Commission, including, but not limited to variances and exceptions regarding the land or any buildings thereon.

(f) Abutters from the latest available Assessors' records unless the applicant has knowledge of any subsequent changes.

(g) Distance to nearest public or private way, or to other permanent monument.

(h) Location of existing buildings on the lot and their distance to the nearest property line unless specifically waived by the Board.

The Hearing was closed.

A copy of the above addition, certified by the Town Clerk, will be transmitted to the Registry of Deeds and Recorder of the Land Court. It will become effective upon transmittal.

Respectfully submitted,

Meredith DeLong
Secretary to the Board



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Proposed Addition to Procedural Rules for Common Driveway Special Permit;
Procedures for Amendment

The Hearing was opened. A motion was made, seconded and unanimously voted in favor of adoption of the following:

Add new Section 6.F which shall read as follows:

F. AMENDMENTS TO SPECIAL PERMIT

1. If an Applicant desires to amend a Special Permit previously granted by the Board, the Applicant shall request a hearing before the Board using the Application for Hearing form stating therein the nature of and the reasons for an amendment to the Special Permit together with the recording references of the Special Permit, if recorded, and the information required of an Application under paragraphs I.B.1(b)-(f) above.
2. Copies of the Application for Hearing shall be transmitted by the Applicant in accordance with paragraphs I.C.1(a)-(d) above.
3. Within a reasonable amount of time which shall not exceed thirty (30) days from the filing of the Application for Hearing, the Board shall determine whether the proposed amendment to the Special Permit constitutes a significant change. If the Board determines that the proposed amendment is significant then the Applicant must file an original application for special permit pursuant to paragraphs I.A. et seq above. A determination that a proposed amendment is significant requires a vote of at least 5 in favor of such determination.

The Hearing was adjourned. This Amendment Procedure will become effective upon filing a copy with the Town Clerk.

Respectfully submitted,

Meredith DeLong
Secretary to the Board