

CARLISLE PLANNING BOARD

MINUTES

JULY 9, 1990

Present:

Vivian F. Chaput, Chairman  
Norman S. Lindsay  
Stephen Tobin  
Sylvia Sillers  
Phyllis Hughes  
George B. Foote  
Jill Natola  
Elaine H. Olden,  
Planner Assistant

Meeting called to order at 8:12 p.m.

Minutes

On motion by Mr. Lindsay seconded by Ms. Hughes, the members voted unanimously to approve the minutes of June 25, 1990, as presented.

Bills

The members authorized payment of bills as presented.

Request to discuss Rangeway Road property

The Planning Board agreed to meet with a group of people who asked to talk with the Board about possible development of property on Rangeway Road.

Re-opened public hearing - Common Driveway - River Road - Rolando

At 8:35 p.m., Chairman Chaput called to order the following public hearing, which was closed on April 9, 1990: application of Charles Rolando to relocate and pave a common drive constructed off River Street pursuant to a Special Permit granted September 11, 1978. Ms. Chaput noted that on June 11, 1990, Mr. Rolando had requested an extension of time until July 31, 1990.

Mr. Rolando presented proposed language to hold the Town harmless under certain conditions, as follows:

The owners of the lots hereby undertake to hold harmless the Town of Carlisle should the permittees' action or failure to act cause property damage or personal injury for which the Town of Carlisle becomes liable. The owners of the Lots also undertake to hold harmless the Town of Carlisle for any property damage or personal injury for which the Town of

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Carlisle becomes liable as a result of the owners' failure to comply with all the terms and conditions of the Declaration and of the Special Permit.

On motion by Mr. Lindsay seconded by Ms. Natola, the members voted unanimously to accept this language as part of the Maintenance Agreement. Mr. Rolando requested an extension of time for the public hearing to enable him to have the completed Maintenance Agreement executed and to consult with his engineer so that he can provide the common driveway plan in recordable form. At 9:10 p.m., Chairman Chaput continued the public hearing until July 23, 1990, at 8:30 p.m.

Tall Pines Public Hearings - Definitive Plan and Common Driveway

At 9:10 p.m., Chairman Chaput called to order the public hearings continued from June 11, 1990, on the applications of Walter and Norina Zywiak; John M. Swanson, Trustee of Swanson Family Trust; John M. Swanson, Trustee of Susan & Peter Realty Trust; John M. Swanson, Trustee of JMS Realty Trust; and John M. Swanson and Elizabeth E. Swanson for approval of a 37-lot Definitive Plan entitled "Tall Pines" for property located at the southwesterly corner of Fiske and Curve Streets and William Costello Realty Trust for a Special Permit pursuant to Section 5.4 of the Carlisle Zoning Bylaws for a Common Driveway to serve three lots in a proposed subdivision entitled "Tall Pines" on property located at the southwesterly corner of Curve/Fiske Streets.

Information was presented on behalf of the applicants and discussion ensued as follows concerning issues remaining from earlier sessions of the public hearing:

The bridge specifications have been reviewed and approved by Cleverdon, Varney & Pike. During discussion of this information, the Board noted that it had never received the material which had been reviewed by CV&P and requested that it be submitted.

The wetlands boundaries have been revised so that there is an increase in wetland filling in three locations.

A restrictive easement document has been submitted prohibiting construction in an additional 25-foot area on Lots 6, 7, 8, 9 and 10 along the previously-designated restricted area (stamped #25 by the Planning Board). After discussion, the members and the applicant agreed on the following language for the second paragraph on page 2, under Building Restriction Area: "No improvements shall be built, constructed or maintained except septic systems, wells, and grading related thereto, and except on Lot 10 minimal

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landscape grading necessary at the time of construction." Ms. Chaput noted a letter from Representative Atkins dated June 15, 1990, recommending a 150-foot buffer for the Carlisle Pines. Mr. Costello said that because such a buffer would destroy Lot 10 as a building lot and damage the value of Lots 6, 7 and 9, he proposed the 25-foot additional building restriction area. Information was offered that the nearest "immense" pine is 86 feet from the property line and a 36-inch pine is 28 feet from the property line.

Lots 2 and 3 have been combined to satisfy concerns expressed by the Board of Health. Ms. Chaput read a letter from the Board of Health recommending approval of the plan as a result of this lot change.

The revised conservation restriction documents were delivered to Mr. Tobin for his review and submitted to the Planning Board (stamped #24 & #25 by the Planning Board). The Conservation Restriction for the Carlisle Pines buffer area on Lots 6, 7, 8, 9, and 10 now includes a Building Restriction Area which prohibits a dwelling house. Mr. Tobin said that all previously requested changes in the documents had been made, and that additional changes had been made at his request.

The applicant proposed to contribute 400 yards of asphalt for resurfacing Fiske Street between Curve St. and Kimball Road as a reimbursement to the Department of Public Works. This is the equivalent of a 1-inch surface, or 1/4 of the finishing materials to refinish the road, as a contribution to the Town's supply of asphalt.

Noting CV&P's comment in a May 31 letter that "no existing elevations of the road or side slopes" on Fiske Street are shown on the plan and the reason for this comment, the Board requested the applicant to add to the plan the existing sight distances at the Fiske Street intersection to the plan.

Mr. Foote reviewed both the CV&P letters and the Stamski and McNary letters with the applicant's engineer to ascertain that the plan had been corrected according to the agreements made during the public hearing.

Members of the public made comments and asked questions as follows:

Mr. Peckham asked how many lots the approved plan will show.  
Answer: 36 lots.

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Nicholas Faunce of the Commonwealth of Massachusetts Department of Environmental Management requested that a note be added to the plan to indicate public access on the trail easement on Lot 9 and that a 25-foot buffer be added on either side of the trail easement as "no-cut" zones and included in the Conservation Restriction to afford privacy both to the lot owners and to the public passing through.

Don Drinkwater asked for clarification of the proposal to contribute to the repair of Fiske Street.

Answer: The contributed material can be used by the Town any time on any road with the understanding that an equivalent amount of material will be used on Fiske Street whenever a complete rebuilding of Fiske Street is done.

? read a letter dated July 9, 1990, from Sally A. Zielinski, Ph.D., which was described as a personal letter. Because the letter was written on Conservation Commission letterhead and signed by Dr. Zielinski as Chairman of the Commission, Ms. ? clarified this description by saying that the statements made in the letter do not represent Conservation Commission action.

Steve Hinton, Conservation Commission member, said concerning the Building Restriction Area in which a septic system may be constructed that septic systems target pine tree roots, which are the most sensitive part of the tree. He added his support of Dr. Zielinski's letter.

Answer: Mr. Foote explained that the Building Restriction Area had been developed as a means of providing as much protection to the Pines as possible without rendering Lot 10 unbuildable.

Susan Hutchinson said that a septic system will degrade the soil.

Answer: Ms. Chaput commented that the Building Restriction Area is a reasonable effort to compromise.

Gabor Miskolczy asked about the protection of trees which will attain "Carlisle Pines" size in the future.

Answer: Ms. Chaput said that the way to achieve that level of protection is to purchase the property.

Judy Lane expressed reservations as a member of the Conservation Restriction Advisory Committee about the Conservation Restrictions.

Ned Lawson, attorney for the Friends of Tall Pines, recommended asking for more time to review the project.

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Michael Benfield said he supports Dr. Zielinski's letter.

Sue Cory asked about new wetland information.

Answer: Ms. Chaput said that new wetland boundaries for road crossings had been submitted.

Steve Hinton recommended having an adequate Conservation Restriction in place.

After discussion of Mr. Faunce's request for a privacy buffer for the trail, the Board and the applicant agreed to a 40-foot Conservation Restriction overlying the 20-foot existing way and providing 10 feet on either side of the trail.

Mr. Foote moved to waive the following Planning Board subdivision regulations to the extent necessary to construct Barnes Place:

- 4.A.1.b - width of cul-de-sac
- 5.B.2 - width of pavement
- 4.A.4.d. - curbing
- 4.A.5.c - turnaround diameter of 140'
- 5.B.3 - turnaround diameter of 140'
- 5.A.1 - clearing of right of way
- 5.C.1.a - bike/footpath
- 5.D.1 - 6' shoulders
- 5.J. - typical cross section

Mr. Lindsay seconded the motion. Ms. Hughes commented that the reduced width has many benefits and reduces the environmental impact of the development. Mr. Foote said that the reduced standards will not compromise the public safety because of the low intensity of use in the area. Mr. Foote, Mr. Lindsay, Mr. Tobin, Ms. Sillers, Ms. Hughes, and Ms. Natola voted in favor of the motion. Ms. Chaput abstained because she had not been present throughout the public hearing.

Mr. Foote moved to waive the requirements of the following Planning Board subdivision regulations to the extent necessary to construct the roads at wetland crossings:

- 5.C.1.a - bike/footpath at least 4' from paving
- 5.D.1 - shoulders of at least 6'
- 5.J. - cross section

Mr. Lindsay seconded the motion. Mr. Foote, Mr. Lindsay, Mr. Tobin, Ms. Sillers, Ms. Hughes, and Ms. Natola voted in favor of the motion. Ms. Chaput abstained because she had not been present throughout the public hearing.

Mr. Foote moved to waive the following requirements of the

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Planning Board subdivision regulations to the extent necessary to construct a bridge at station 7+80, more or less, of Kimball Road:

- 5.C.1.a - bike/footpath separation of 4'
- 5.D.1 - stabilized sod shoulders
- 5.J. - roadway cross-section

Mr. Lindsay seconded the motion. Mr. Foote, Mr. Lindsay, Mr. Tobin, Ms. Sillers, Ms. Hughes, and Ms. Natola voted in favor of the motion. Ms. Chaput abstained because she had not been present throughout the public hearing.

Mr. Foote moved to waive the requirements of the following Planning Board subdivision to the extent necessary to construct Kimball Road:

- 4.A.5.a - length of a dead end street

Mr. Lindsay seconded the motion. Mr. Tobin and Ms. Chaput said they believe that the plan could be modified so that the waiver would not be needed. Ms. Hughes said that the reasons for the additional length justify a small extension of the road length. Mr. Foote, Mr. Lindsay, Ms. Sillers, Ms. Hughes, and Ms. Natola voted in favor of the motion. Mr. Tobin voted in opposition. Ms. Chaput abstained because she had not been present throughout the public hearing.

Chairman Chaput invited discussion of the suggestion to waive the requirement to construct bike/footpaths in the proposed subdivision. Ms. Hughes commented that the decrease of the approved right-of-way after construction if the bike/footpaths were eliminated would reduce the speed of traffic and would therefore make the road safer. The applicant said he would donate asphalt equivalent to 2 inches for Fiske Street instead of 1 inch if he saved the cost of constructing the bike/footpath. Mr. Foote moved to waive the requirements of Sections 5.C. and 5.A.1 of the Planning Board subdivision regulations provided, however, that the rights of way for the roads shall be cleared as little as possible but at least 6' on each side of the pavement and further that all proposed bike/footpath easements shown on the Plan shall run in favor of the Town of Carlisle so that there shall be space provided for future bike/footpaths. Ms. Hughes seconded the motion. Mr. Foote, Ms. Hughes, Mr. Lindsay, Ms. Sillers, and Ms. Natola voted in favor of the motion. Mr. Tobin voted in opposition. Ms. Chaput abstained because she had not been present throughout the public hearing.

Mr. Foote moved to waive the requirement of Section 4.F.4 of the Planning Board subdivision regulations that all fire equipment

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shall be given to the Town of Carlisle; with the substitute requirement that easements shall be shown on the Plan which shall run in favor of the owner or owners from time to time of the streets and ways shown on the Plan. Ms. Sillers seconded the motion. Mr. Foote, Ms. Sillers, Mr. Lindsay, Mr. Tobin, Ms. Hughes, and Ms. Natola voted in favor of the motion. Ms. Chaput abstained because she had not been present throughout the public hearing.

Noting that some of the fire protection appurtenances were located outside of the roadway, the Board requested that the drainage easement be amended to include maintenance for fire protection appurtenances.

Mr. Foote moved to approve the definitive subdivision plan entitled "Tall Pines," Carlisle, Mass. For: Costello, dated Feb. 23, 1990, by Stamski and McNary, Inc., 80 Harris Street, Acton, Mass. (Sheets 1-28), as amended by agreement during the public hearing, with the waivers voted and subject to the following conditions, for a two year period, until August 1, 1992.

1. Endorsement of the approval is conditional upon the provision of a performance guarantee duly executed and approved, to be noted on the plan and recorded with the North Middlesex County Registry of Deeds (said form of guarantee variable from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the Planning Board).
2. Easements shown on the Plan running in favor of the owner or owners from time to time of the streets and ways shown on the Plan shall be recorded. The return address on the easement documents shall be "Planning Board, P.O. Box N, Carlisle, MA 01741."
3. Provision to the Planning Board of two prints of the Definitive Plan after the Definitive Plan has been approved and endorsed.
4. Endorsement of the following statement on the Plan: "Endorsement of this Plan by the Planning Board is not a determination of property ownership".
5. Inclusion on the Plan of the specifications for the proposed bridge, said specifications to be recorded with the Plan.
6. Removal of the bike/footpath from the Plan.
7. Amendment of the following documents as agreed during

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the public hearing and submission of the amended documents executed and in recordable form at the time of endorsement of the Plan:

Declaration of Easement/Drainage Easement (marked #22)  
Easement/Pedestrian Easement (marked #23)  
Trail Easement and Conservation Restriction/Trail  
Easement (marked #24)  
Conservation Easement and Building Restriction/  
Restrictive Easement Area/Building Restriction  
Area (marked #25)

8. Marking of the Conservation Restriction boundaries according to the specifications in Section 5.G.2 of the Board's subdivision regulations.

9. Failure to complete the construction of the ways in accordance with the applicable rules and regulations of the Planning Board shall automatically rescind approval of the Plan unless approval with or without modification of the Plan has been extended by the Board.

Ms. Hughes seconded the motion. Mr. Foote, Ms. Hughes, Mr. Lindsay, Mr. Tobin, Ms. Sillers, and Ms. Natola voted in favor of the motion. Ms. Chaput abstained because she had not been present throughout the public hearing.

At 12:25 a.m., July 10, 1990, Chairman Chaput continued the public hearing on the request for a Special Permit for a Common Driveway until July 23, 1990, at 9:00 p.m.

Meeting adjourned at 12:25 a.m., July 10, 1990.

Respectfully submitted,

Elaine H. Olden  
Planner Assistant