

CARLISLE PLANNING BOARD

MINUTES

JULY 23, 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 8:08 p.m.

Minutes

On motion by Ms. Hughes seconded by Mr. Lindsay, the members voted unanimously to approve the minutes of the July 9, 1990, meeting, with insignificant changes.

Master Plan Plans

Members reported the status of their individual sections of the Master Plan and confirmed that the drafts will be presented at the last meeting in August.

Death of former Planning Board member

Chairman Chaput reported with regret that she had learned of the death of former Planning Board member Frank Hannaford. Members who had worked with him remembered him as a devoted volunteer who had made a significant contribution to the Town.

Bills

The members authorized payment of bills as submitted.

Position Paper

After discussion of the desire of everyone connected with development in Carlisle to have the best possible development, the members agreed that it would be valuable to prepare a

CARLISLE PLANNING BOARD MINUTES
JULY 23, 1990
PAGE 2

"position paper" as outlined by Ms. Chaput. They instructed the Planner Assistant to develop the outline into a draft memorandum to the Conservatio Commission, the Board of Health, and the Conservation Restriction Advisory Committee. At Mr. Foote's suggestion, the members agreed to wait for Town Counsel's opinion on the relation of the Planning Board and the Board of Health, recently requested by the Board of Health, before making any final plans about the position paper.

Continued public hearing - Common Driveway - River Road - Rolando

At 8:47 p.m., Chairman Chaput called to order the following public hearing continued from July 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 for this public hearing until July 31, 1990.

Mr. Rolando presented an executed amended maintenance agreement for the common driveway. Reviewing the document, the members noted that because the revision dates of the common driveway plan have not been added, the document incorrectly identifies the plan which is the standard according to which the driveway must be maintained. The members pointed out to Mr. Rolando that this error has particular significance because the plan referred to by the document requires surfacing of the entire driveway whereas Mr. Rolando's current request is to leave a portion of the driveway unsurfaced. As the members and Mr. Rolando considered the implications of this error in the document, Ms. Chaput told Mr. Rolando that the Board objects to the prolonging of the public hearing by such egregious errors on the part of the attorney who drafted the document and that the Board expects a correct document to be presented at the next session of the public hearing. The Board requested that Mr. Rolando submit the corrected document to the Planning Board office in time for copies to be included in the members' packet for the meeting at which he plans to present it.

At 9:09 p.m., Chairman Chaput continued the public hearing until August 27, 1990, at 8:30 p.m., at Mr. Rolando's request.

Public Hearing - Tall Pines - Common Driveway

At 9:09 p.m., Chairman Chaput called to order the public hearing on the application of 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, which was continued from July 9,

CARLISLE PLANNING BOARD MINUTES
JULY 23, 1990
PAGE 3

1990.

The members confirmed that the submission is complete and that the Board has not requested any additional information.

Mr. Foote noted that the common driveway plan cross-section calls for 16'-wide pavement while the plan indicates the width of those portions of the common driveway which serve only one house as 12 feet.

Chairman Chaput asked if any members of the public wished to speak to the Petition.

Judy Lane pointed out that Petitioner has not demonstrated that the alternative access, a subdivision road, could actually be built across the wetlands. After exploring the implications of this point at length, the Board members accepted its validity and then discussed the risk of requesting the Petitioner to request Conservation Commission approval of the alternative access subdivision road. The following points were made:

Ms. Chaput said that with a bridge, the roadway is a very viable reality and added that she remembers an occasion when a common driveway was denied which then was constructed as a subdivision road. She concluded that the risk of a subdivision road was very real.

Mr. Tobin said that on a previous occasion, when the Conservation Commission was asked to give an informal opinion on the possibility of building a road across wetlands, the Conservation Commission was unable or unwilling to do so. Consequently, a complete submission to the Conservation Commission would have to be made. The Petitioner said that, should the Commission deny permission to build the alternative access road, he would have the option of appealing to the Department of Environmental Protection to receive approval. He added that once he had invested in the alternative access plan to that extent, he might prefer to build it rather than the common driveway.

Several members concurred with a statement by Mr. Foote that a request by the Planning Board for Conservation Commission action on the alternative access before Planning Board action on the common driveway petition could result in a "catch-22" situation because, pursuant to its regulations, the Conservation Commission could not consider the request for alternative access before the Planning Board takes final action on the common driveway.

After a discussion of the procedures involved if the Board were

CARLISLE PLANNING BOARD MINUTES
JULY 23, 1990
PAGE 4

to adopt Ms. Lane's suggestion and request Conservation Commission action on the alternative access before acting on the Petition for a common driveway, the members reached a consensus that the significant question was the degree of risk if the Board were to do so. Mr. Foote structured this question as follows: there are three possible outcomes, i.e., the common driveway is built; the subdivision road is built; or no access is built. The members agreed that the likelihood of no access being built was too remote to consider and that the risk to be weighed was the possibility of the subdivision road being built instead of the common driveway. There was general agreement that the common driveway would have less environmental impact than the subdivision road. The members concluded that the risk was too great that the outcome of requiring Conservation Commission action before final action on the Petition would result in construction of a road instead of a driveway.

Ms. Lane also asked the Board to consider the possibility that Conservation Commission consideration of the alternative access along with consideration of the entire Tall Pines subdivision might result in denial of the entire subdivision. Mr. Foote said that such a tactic for the express purpose of preventing development did not seem appropriate to him.

Ms. Hughes said that Ms. Chaput's report of an occasion when a subdivision road was constructed after a common driveway was denied convinces her that the risk is too great. Mr. Foote and Ms. Sillers agreed that there is no procedural way to get more information about the viability of alternative access, if, as Mr. Foote reported, the Wetland Protection Act requires that a permit from the Conservation Commission be the last permit applied for in any development project. Ms. Natola said she does not wish to risk the possibility of a subdivision road.

Mr. Tobin moved that the Planning Board make the following findings:

1. that the premises in question are reasonably adaptable to the proposed use as a common driveway serving three single-family houses and will allow proper layout thereof and that the proposed use will not be contrary to the best interests of the town as it does not conflict with Sections 7.2.1.1, 7.2.1.2,, and 7.2.1.3 of the Carlisle Zoning Bylaw, and
2. that the construction and use of a common driveway represents the best plan for the development of the land compared to the by-right use of a subdivision road and individual driveways, because of the creation of one fewer building lot and substantially less filling

CARLISLE PLANNING BOARD MINUTES
JULY 23, 1990
PAGE 5

of wetlands;

and therefore grant a Special Permit for a common driveway constructed pursuant to a plan entitled "'Tall Pines,' Carlisle, Mass., Grading & Drainage Plan For: Costello," dated Feb. 23, 1990, by Stamski and McNary, Inc., 80 Harris Street, Acton, Mass., Sheet 25 of 28 (the "Plan") subject to the following conditions:

1. the rights granted by the Special Permit shall lapse if they are not exercised within a period of one (1) year;
2. the Common Driveway Maintenance Agreement/Swanson Lane/Carlisle, Massachusetts/Covenant, submitted with the application and marked "33" by the Planning Board, shall be executed and recorded with the Decision;
3. the pavement of those portions of the common driveway which serve but one house shall only be 12 feet wide but otherwise constructed in accordance with the cross section shown on the Plan;
4. the Plan shall not be recorded until after the definitive 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 on said definitive plan, is recorded.

Ms. Hughes seconded the motion. When Ms. Chaput called for discussion, Mr. Tobin inquired if the Pedestrian easement is shown on the plan. He accepted Mr. Foote's response that it would serve no purpose to show it on the plan.

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

At 10:29 p.m. Chairman Chaput closed the public hearing.

As the meeting was adjourning, the members asked the Mosquito reporter present to relay to the Mosquito staff the members' opinion that the report of the previous meeting, at which the Tall Pines Definitive Plan was approved, was excellent: well-written and accurate.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,