

CARLISLE PLANNING BOARD

MINUTES

AUGUST 10, 1992

Present:

Scott T. Evans, Chairman (Historical Commission)
Kenneth Ernstoff, Vice Chairman (ZBA, Conservation
Restriction Advisory Committee)
Phyllis W. Hughes, Clerk (MAGIC)
Richard Colman, Treasurer (Conservation
Commission, Environmental
Monitor)
Vivian Chaput (Housing, Master Plan)
George B. Foote (Capital Requirements Committee;
plan modification review)
Jill A. Natola
Elaine H. Olden,
Planner Assistant

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

Minutes

On motion of Ms. Hughes seconded by Mr. Ernstoff, the minutes of the April 13, 1992, meeting were accepted as presented.

Bills

The members authorized payment of bills as presented.

Public Hearings on Workum applications for conservation cluster and common driveway on Maple Street

At 8:15 p.m., Chairman Evans called to order the public hearings on the applications of Fifield Workum, Jr., for a Conservation Cluster Special Permit and a Common Driveway Special Permit for property on Maple Street owned by Fifield Workum, Jr.

Mr. Ernstoff reported that he had reviewed two plans submitted by the applicant to demonstrate alternative development possibilities, one showing a six-lot subdivision which would require a waiver of the requirement that a subdivision road not exceed 1000 feet; and one showing a three-lot subdivision.

Dr. Workum agreed to substitute a different "Approval by Selectmen" portion in the Conservation Restriction and to change the easement to the Town over existing driveway to include the Town's right to repair the entire driveway.

On motion by Mr. Ernstoff seconded by Ms. Hughes, Mr. Ernstoff, Ms. Hughes, Mr. Evans, Ms. Chaput, and Mr. Foote voted to grant

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the Special Permit for a Conservation Cluster in accordance with the Plan on the basis of the following findings made by the Board: 1. that the character of the property is unique because it abuts the Greenough Pond and other conservation land, overlooks the life estate, includes the Open Space known as Parcel A, farmland, and flood plain, all natural resources which serve the following purposes of Section 5.5.1 of the Carlisle Zoning Bylaws: Section 5.5.1.1: Maintain the rural/historic character of the Town by preserving the most significant woods, fields and streams (the "life estate," conservation land, and the flood plain); protects selected views, vistas and buffer areas (of the pond, the "life estate," conservation land, and the flood plain); protects points of historic interest (the "life estate," cutting field and working farm); Section 5.5.1.3: Protect natural resources, especially water supplies by preserving natural habitats (the pond and the flood plain) and providing for conservation management, and protecting watershed areas (the pond and the flood plain); Section 5.5.1.4: Improve facilities for active and passive recreation by encouraging linkage of conservation land; Section 5.5.1.5: Encourage preservation of agriculture by protecting farmland from development and encouraging active farming; 2. that the use is not contrary to the best interest of the Town in any manner delineated in Section 7.2.1 of the Carlisle Zoning Bylaw; 3. that the interest which the Town will obtain through the easement over the road to Town land granted to the Town by a document which the Selectmen have had in escrow and which the applicant has agreed to amend enhances the natural resources; and 4. that inspection of the plan indicates that the following requirements of Section 5.5 of the Carlisle Zoning Bylaw have been met: the parcel contains 10 acres and there are two proposed lots, one lot more than the existing one lot with a single-family dwelling; each of the lots has a minimum area of two acres, a 250-foot straight line drawn through the dwelling site, minimum street frontage of 20 feet, and minimum width between street and dwelling site of 20 feet; the open space contains 21 acres, which is 30% of the total area of the subject parcel, not more than 1/2 of which is in the Wetland/Flood Hazard District, is characterized by size, shape and access approved by the Planning Board, and contains the natural resources listed in finding #1 above; 5. that, although the parcel is not entirely separated from surrounding parcels as required by Section 5.5.2.5 of the Carlisle Zoning Bylaws, the lots are separate from the adjacent property and other conservation clusters except at the driveway where the abutting land is town land and therefore the Conservation Cluster is in fact surrounded by open space and meets the intent of the bylaw; 6. that the applicant has stated that the open space will be held in corporate ownership pursuant to a Declaration of Trust, that an interim Conservation Restriction pursuant to the Carlisle Planning Board Rules and Regulations regarding Special Permits

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for Conservation Clusters has been executed, and that a Conservation Restriction pursuant to Section 5.5.2.6.3 of the Carlisle Zoning Bylaws has been executed; 7. that the applicant has stated that a document prohibiting further division of the land within the Conservation Cluster has been executed; said Special Permit subject to the following conditions: 1. that no driveway or other means of access to building lots in the Conservation Cluster shall be constructed apart from the common driveway; 2. that the rights granted shall lapse if they are not exercised within a period of one (1) year of the expiration of the Appeal Period which lasts 20 days from the date of filing with the Town Clerk the decision granting the Special Permit, or, if appeal has been taken from the decision to grant the Special Permit, the date on which the court has dismissed or denied such appeal; and 3. that failure to record the Plan and associated documents within 60 days of the completion of the Appeal Period shall cause the Special Permit to lapse unless approval has been extended by the Planning Board and said extension filed in the Town Clerk's office.

On motion by Mr. Foote seconded by Ms. Hughes, Mr. Foote, Ms. Hughes, Mr. Evans, Ms. Chaput and Mr. Ernststoff voted to grant a Special Permit for a Common Driveway to serve Lots 1 and 2 and Open Space on the Plan on the basis of the following findings: 1. the Common Driveway represents the best plan for the development of the land, preservation of the natural environment, and maintenance of neighborhood character as well as for providing adequate access for emergency vehicles, safety of the approach to the public way, and drainage, because it is part of a Conservation Cluster for which a Special Permit has been granted by the Planning Board; and 2. the use is not contrary to the best interest of the Town in any manner delineated in Section 7.2.1 of the Carlisle Zoning Bylaws, said Special Permit subject to the following conditions: 1. that the rights granted shall lapse if they are not exercised within a period of one (1) year of the expiration of the Appeal Period which lasts 20 days from the date of filing with the Town Clerk the decision granting the Special Permit, or, if appeal has been taken from the decision to grant the Special Permit, the date on which the court has dismissed or denied such appeal; and 2. that failure to record the Plan and associated documents within 60 days of the completion of the Appeal Period shall cause the Special Permit to lapse unless approval has been extended by the Planning Board and said extension filed in the Town Clerk's office.

At 9:45 p.m., Chairman Evans closed the public hearing.

Discussion with Tall Pines Subdivision applicant

The members discussed with William Costello, applicant for the Tall Pines definitive plan, his proposal in a letter dated July 15, 1992, for resolving the difficulties raised July 13, 1992, concerning a lengthy extension of the approval of the plan. The members and Mr. Costello agreed to the following steps: 1. The definitive plan be provided to the Board and endorsed in the near future; 2. the covenant and all associated documentation to be signed in recordable form prior to the plans endorsement; Applicant's counsel to hold the endorsed plan and executed covenant and associated documentation in recordable form under a written escrow agreement until further instruction as follows: (a) from the Board to release the plan, covenant, and documentation to the applicant to make any Board-approved amendments or modifications; (b) to return the plan, covenant, and documentation to the applicant if he should be unable to obtain all required governmental approvals or if any future Board should reasonably refuse an extension of the approval time period and such period has expired; (c) to record the plan, covenant and documentation with the permission of the applicant with notice to the Board.

Mr. Costello said his best estimate of time to complete the subdivision is 3 1/2 years and agreed to report the status of the subdivision annually to the Board, or sooner if there is any change in status.

Public Hearing on Ballantine Common Driveway off North Road

At 10:20 p.m., Chairman Evans opened the public hearing on the application of John Ballantine for extension of a previously granted Special Permit for a common driveway off North Road. Mr. Ballantine said there has been no change in the circumstances. Finding no change in the circumstances relating to the Special Permit as previously granted, amended, and extended, on motion by Mr. Foote seconded by Ms. Chaput, the members voted unanimously to grant an extension for one year, until August 31, 1993, of the Special Permit first granted on September 4, 1984, amended November 26, 1984, and amended September 26, 1988, recorded in Middlesex District Registry of Deeds Book 2911 Page 312 and Book 2910 Page 279.

Minutes

On motion of Mr. Foote seconded by Ms. Chaput, the members voted unanimously to accept the minutes of the July 13, 1992, meeting as presented.

Compensation for Planning Board Staff

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On motion by Mr. Foote seconded by Mr. Ernstoff, the members voted unanimously to direct the Clerk to send a letter to the Town Accountant certifying that the Board approves compensation for Elaine Olden, Planner Assistant, in the amount of \$14.63 per hour, retroactive to July 1, 1992, and for Joan Dalton, file clerk, in the amount of \$7.50 per hour for the fiscal years 1992 and 1993.

Meeting adjourned at 11:10 p.m.

Respectfully submitted,

Elaine H. Olden
Planner Assistant