



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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CARLISLE EDUCATION CENTER
872 WESTFORD ST.

MINUTES: APRIL 11, 1994

Chair Ernstoff opened his last meeting at 8:08. Board members present were Chaput, Yanofsky, and Colman. The minutes of 3/14/94 were unanimously approved as amended on a motion by Yanofsky, seconded by Colman. The minutes of 3/23 will be reviewed when the appropriate members are present.

Housing Authority: Dorothea Kress, accompanied by Marty Galligan, made a presentation to the board detailing the Authority's plans for the Kulmala property. They hope to place 4-6 units of affordable housing on the 6 acre lot, with 2 one bedroom units for seniors, 2 two bedroom units, one of which would be for a handicapped person and that person's caretaker, and 2 three bedroom units for families. The mechanism for the submission of the plan would be a comprehensive permit from the Board of Appeals. They asked that the board support them by voting against the Town Meeting warrant article which seeks to give the Kulmala property to the Audubon Society. She explained that the Selectmen have the right to dispose of the property, so that the T.M. vote will be advisory in nature. The 80 Russell St. trust has voted to recommend the land go to Audubon. Chaput moved that the board oppose the article; Yanofsky seconded the motion. The vote was unanimous in favor of the motion.

Ice Pond security account: Brian Hebb, owner of the Ice Pond subdivision, asked the board to reconsider his request to reduce the account by \$32,000. The board reiterated its fear that, because the suit between Hebb and Hanscom is ongoing and has cost the board over \$2,000 already, added to the fact that there is no legal expenses category in the estimate of expenses, the Town may find itself unprotected if Hebb defaults. After some discussion, recognizing that Hebb has completed two items and the Stipulation in the case states that all parties recognize the Town's account is secure, Colman moved the board allow the release of the funds held for those two items, minus \$6,000, which Hebb agreed could be held in a new legal expense contingency category. Yanofsky seconded the motion, and it was approved unanimously. Hebb assured the board the suit will be completed soon, possibly within two months.

Road acceptance:

Nickles Lane will be inspected again, with Colman in attendance, when Senkler, or his agent, notifies the board that all items have been completed and requests another inspection. In addition to a list of damaged or missing items, Koning reported to the P.A. that the fire cistern is leaking, and LandTech has requested calculations on the rate at which the detention basins release water.

Hartwell Road appears to be in good condition according to members who visited. Mark Green, of the Homeowners' Association, presented the board a written review of the issues as he saw them. He stated he felt the main issue before the board is: Having approved the road as a subdivision road, does the board want to recommend against its becoming a public road? Chaput stated that she cannot understand why he is asking for acceptance of a road which will never be accessible except through another town. Green explained that the Homeowners' Association feels that the the private road portion in Concord is in good condition, has a longterm maintenance agreement enforceable by both towns, and the public will get Homeowners' Association guaranteed right of access over it. Why not, then, he queried, give the homeowners the public services to which they are entitled? Colman asked Green if, as an attorney reviewing documents in another town, he saw an agreement stipulating that a road never could become a public road, would he expect the town to accept it? Green replied that if there is no evidence in the record against acceptance, and if the Homeowners' document specifically states that nothing will prohibit the town from accepting its portion, why wouldn't an attorney think that the road was acceptable? Ernstoff pointed out that it is within the board's discretion to vote yes or no; he also felt that something this important should be in the record. Chaput replied that when the original approval was amended and the road was moved across the Concord line, the board assumed that no request for acceptance would ever be made. She made the recommendation that the homeowners try to convince the school committee to allow buses to pick up children on private roads which have been built to town standards. She believes there are only two, Hartwell and Cutter's Ridge, and had spoken with three school committee members regarding that possibility. Colman moved that the board recommend the acceptance of the Carlisle portion of Hartwell Road as a public way; Ernstoff seconded the motion. Yanofsky, who resides on Hartwell Rd., and who had not participated in the discussion, recused herself. The board voted the motion down, with Ernstoff in favor of it and Chaput and Colman against it.

Harte asked whether the board wished to prevent the same problem from recurring. Members felt the rules and regs need to be reviewed with that in mind.

Cranberry Hill Lane Colman moved, and Chaput seconded, that the board recommend the acceptance of Cranberry Hill Lane as a public way. The motion passed, with Ernstoff, Chaput and Colman in favor, and Yanofsky abstaining. Yanofsky stated that she abstained because she was not sure of the basis for the board's recommendations on road acceptance. Chaput replied that the board relies on its consulting engineer's report as to completion according to plan, and on members observations of the present condition of the road in question.

Town Hall Choices Ernstoff explained the options which appear on the warrant: the first, the land swap and Congregational Church purchase; the second, if the first option is rejected, the exploration of the possibility of building a new town hall on either the Conant or St. Irene's land. Members still had questions, generally around the initial and the long term costs, such as maintenance. Harte discussed the estimates of initial costs, but wasn't able to say whether the consultant, who will report to the public on April 14, will be considering long term costs. No board member was able to attend that meeting, so Colman asked Harte to raise the issue. Ernstoff, who had worked on the building committee, stated that he has come to believe the conservation benefits of the

Congregational Church option are compelling. He felt the only negative factor is that the space won't be designed from scratch for town hall use, which may mean it won't be quite as appropriate as a new building would be. Yanofsky was concerned that the voters will not be allowed to separate the conservation land decision from the Congregational Church purchase decision. The board was unable to make a recommendation at that time; Chaput asked Ernstoff to come to the April 25 board meeting in order to help the board make a decision.

Interim Master Plan Report Yanofsky and Chaput will work on this, with Yanofsky taking Chaput's work and adding to it. The P.A. will fill in dates and numbers when needed, and will call Evans to see if he has ideas for the report. Yanofsky left at the end of this discussion.

SROSC Bylaw and Conservation Cluster Amendment. The board discussed changes submitted by the P.A., the Bylaw Review Committee, and Ken Harte. The board agreed to changes as follows: Section 5.7.4.9 as suggested by the P.A.; Section 5.7.4.13, limit the size of dwelling units to 1400 s.f.; 5.7.5.2, add s.f. limit to list under #7; 5.7.4.18, age limitation as suggested. The board discussed the addition of a district in which the special permit can be granted. The board asked the P.A. to talk with Town Counsel regarding the wording being considered under Section 5.7.4.10; the question is, does the wording protect the town's intent that the open space be permanently restricted for its designated use? It agreed that the inclusion of the word permanent, while perhaps redundant, was useful, and that the word conservation should not be inserted before the word restriction, as the types of criteria named in the bylaw and the types of restrictions named in the state law are broader in scope than just conservation. In question is the word trust as used for a form of homeowners' ownership. The wording of the conservation cluster amendment should also include the word permanent, but does not use the word trust to describe a form of ownership which involves the homeowners.

The P.A. will call Evans to see if he has obtained information regarding wholesale land cost.

The board agreed that Chaput would do the presentation of the SROSC bylaw, and that Colman would do the Conservation Cluster amendment. The member who will deal with road acceptance questions will be designated on April 25.

The meeting was adjourned at 12:15.

Sandy Bayne, Planner Assistant



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AGENDA: APRIL 11, 1994

- 8:00 Minutes 3/14 and 3/23 (3/28 packet)
Bills
- 8:15 Housing Authority Marty Galligan
Re Kulmala Land
- 8:45 Ice Pond Rd. Brian Hebb
Re security account
- 9:15 Road acceptance issues:
Hartwell Rd.
Nickles Lane *
Cranberry Hill Lane
- 9:45 Zoning articles:
Conservation Cluster amendment - Harte letter *
Senior Residential Open space Community - age limitation wording, other
T.M. presentation
- 10:15 M.P. Interim Report
- 10:45 Town Hall Choices Recommendation to Selectmen

Please sign name and address:

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7/11/97

Alstair Lucks

Christopher Serago

Joan Popolo

Mark Green

BRIAN AEBB

David Kelch

FERRIS W. Taylor

Dorothea Kress

Marty Halligan

Dave Stewart

Kev Harte

Carlisle Mosquito

101 Hartwell Rd.

120 Hartwell Rd

61 HARTWELL RD

JULY POND SUB.

11 Oak Knoll Rd.

180 Hemlock Hill Rd

295 E. Riding Dr