



Town of Carlisle

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PLANNING BOARD

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MINUTES AUG. 8, 1994

Chair Colman opened the meeting at 8:07. Present were board members Yanofsky, Chaput, Duscha, Hengeveld, Evans and LaLiberte; also present were Ken and Jane Evans, Ken Harte, Steve Tobin, Louise Hara, Betsy Fell, Steve Hamilton and Dave Stewart, all of Carlisle.

On a motion by Duscha, seconded by Chaput, the minutes of July 25, 1994 were unanimously approved as amended. Bills were approved for payment as presented.

Tall Pines The board arranged two informational walks of Tall Pines; developer Costello will lead the board through the approved subdivision, noting layout of roads and the Swanson Place common drive, and will show the board lot 10 and its proximity to the Tall Pines.

CSHO proposal for SROSC Steve Hamilton, who has been chosen the developer for CSHO's proposal for a portion of the Malcolm land, showed the board the six lot ANR sketch which is the basis for the appraisals of the Malcolm land, and would be the basis for potential development of the Malcolm land were the town or the CSHO group not to buy the land. He then showed a preliminary sketch which includes eight lots, six getting frontage from a subdivision road, and two from Stearns St. This plan, he stated in response to a question from Chaput, can meet all the board's subdivision rules and regs and the town's zoning requirements. He pointed out that the plan as yet is lacking in some important details, among them, topos and perimeter survey. He then showed the board a preliminary sketch of a SROSC layout which assumes 12 units would be allowed. The three residential buildings were arranged so that with the "car barn", the buildings formed a quadrangle, creating a private courtyard. The plan uses Two Rod Road for access because Hamilton believes that location is the best siting. It provides separation from Two Rod by fencing and by placing the car barn's back to the road. It attempts to recreate, with simple fencing, vertical pine boards and barn-like architecture, the view which might have existed in the 1800's. Hamilton stated that the goal is to use no more than 4 acres for development. The plan also shows a public parking lot to be created at the north east corner of the site, west of Two Rod. Ken Harte spoke for the Land Swap Committee, saying that the committee has been convinced by the Trails Committee to oppose use of Two Rod for access to the SROSC. They feel that the possibility of lost hikers, of dogs,

and of horses on the trail (Two Rod Road) makes its use for a SROSC incompatible. He offered a sketch by Hara, of the Trails Committee, which uses a separate more westerly location for the private SROSC road, and which adds a 100' tree buffer between the complex and Two Rod Road, but which otherwise appears to be essentially the same layout.

Replying to a question from Yanofsky, Harte stated that he hoped the CSHO will have decided by Town Meeting time which option for the access they will propose, and therefore, the Trails Committee will know whether to support the complex. Hamilton responded that CSHO will not do further work until after Town Meeting has made some decisions. Yanofsky asked the members of the Trails committee whether there have been problems in general regarding the use of easements for public trails. Tobin replied that through the Planning Board they have negotiated five or ten in the last ten years, and that generally the process has worked. He felt that none were analogous to this situation, though. Here the seniors might need a paved access, and the committee would not want Two Rod paved. He stated that even though the present home owners might be willing to use the Two Rod access without paving, future owners might not. Colman pointed out that such a restriction in the special permit conditions would be fully enforceable permanently. He asked that a walk be set up for the board to consider both accesses.

Proposed zoning bylaw change and proposed subdivision reg change The board briefly discussed these changes. Colman mentioned that George Foote had questioned whether this subdivision reg attempts to regulate zoning, which is illegal, and had also recommended that the words "actual" and "effective" be defined. Colman reported that in a conversation with Lane, she suggested that we may already have the power under our regs to control as much as Chapter 41 allows. She is also concerned whether these changes might be attacked under anti-snob laws. LaLiberte explained that he took the zoning change from the Norfolk zoning bylaw. Because it does not speak to subdivisions, only to lots, he created the proposed subdivision reg. Lane will send the board an opinion before the hearing. Harte commented that he is in support of the board's effort to tighten our zoning and regs. The P.A. will bring maps of surrounding towns to the hearing on Aug. 22.

Proposed SROSC regs Evans abstained from this discussion. Duscha and Chaput submitted their written comments to LaLiberte. Chaput questioned whether the requirements are so extensive as to discourage the use of the bylaw. Duscha mentioned that the regs state that requirements may be waived if unnecessary in a particular case. Yanofsky questioned whether the fees are so high that unit costs will be unaffordable for the Carlisle seniors for whom they are intended. She and Chaput questioned how the fee schedule was determined. LaLiberte explained that he had included every possible reg in this first draft as it is easier to remove regs than to imagine what might be missing. Stewart commented that the bylaw is concise and well thought out. He felt this draft is too extensive, and more appropriate for a subdivision. He emphasized that the CSHO group has a small budget. Colman reiterated the fact that this bylaw and the regs will be used for other projects and parcels, and therefore they need to cover all possibilities. Stewart agreed. Yanofsky returned to the fee schedule, and asked how the board can justify the

numbers. Colman mentioned that the board never covers its costs. Harte suggested we lower the SROSC fees and raise the subdivision fees. Colman mentioned the subcommittee will work on all fees eventually.

Stewart asked when the regs will be done, as they need to know the requirements before their negotiations with the church are complete. The subcommittee stated that they are meeting this week to redraft.

Stone ANR, 101 Page Brook Road The board signed this ANR, which is a Land Court plan. It is related to the ANR signed on July 25 for VonRoesgens of 150 Peter Hans and Stone, which was drawn for submission to the Registry. LaLiberte abstained. The board waived the ellipse and the dimensioning of the closest set back, as these are shown on the Registry plan.

Milne ANR, 845 Maple St. On reviewing this plan, the board questioned whether two of the lots, numbered 1 and 4, have actual usable access, as opposed to illusory access, to Maple St. There is a substantial flowing brook and pond system which appears, to those members who had visited the site, to prevent access. The wetland/flood hazard zoning district shows on the plan as a finger-like projection filling the 40' wide access to lot 1 to within a few feet of its intersection with Maple Street. Members raised the 1992 court case regarding this question of usable access, Poulos v. Braintree. LaLiberte explained that the case indicates that the decision must be based on the question of the lot's accessibility at the present time, when the plan is presented. Evans asked on what basis the board could make this decision, as it might well not be an area of planning board expertise. He also asked whether the board had ever considered the question of actual access before; he stated that in his memory, the board does not have the tradition of doing so. Colman explained that as of May, when the board became aware of the Poulos case, the board has always inspected the site with this question in mind. He stated that he had reviewed this site; Chaput stated that she too had reviewed it. The board voted unanimously, on a motion by Chaput seconded by Duscha, to allow Dorothy Milne's request for extension beyond the 21 day statutory limit so that further information could be reviewed on this subject. They asked the P.A. to request that Stamski and McNary stake the centerline of the frontage for lot 1, and the iron pin which had been noted on the plan as the northern end of lot 4, so that all members could review the site carefully.

TOLS report Yanofsky reported that at the last meeting, the TOLS committee agreed to support the figure of one million dollars for the Malcolm land, which reflects its \$700,000 appraised value for development potential, and an additional \$250,000 for its conservation value. Board members questioned whether Banta-Davis had been professionally appraised. Yanofsky replied in the negative. The board agreed that such an appraisal should be requested, both for the value of the entire parcel, and for the parcel with the 11 swap acres subtracted. Evans abstained from the discussion.

M.P. report The subcommittee reported that it is still sorting data.

Open Space and Recreation Plan update Duscha reported that the subcommittee will have a draft for review shortly.

Nickles Lane inspection The P.A. reported that Senkler has requested a final inspection, with the hope of getting the road on the fall town meeting warrant. She has reserved an article in case the inspection is done and the report is favorable. She mentioned that the "final" inspection in April revealed three areas on which Landtech and Stamski and McNary disagreed; all other issues were resolved in that Senkler agreed to have the contractor complete or correct them. The board will need to decide these three issues if they remain unresolved. The Selectmen will hold their hearing on the road on August 23, and will make no recommendation until such time as the Planning Board has concluded its work. Colman reminded Bayne to request that Allen give her ample notice of the day on which he will inspect so Colman or someone else can accompany him.

Aberdeen Road (Ice Pond common drive) trail survey estimate The P.A. reported that the estimate had just been received, and that she is not yet sure it covers all the work the board would need done. She will review it with Allen.

Tall Pines common drive special permit application The P.A. asked board members to review the information in their packets regarding the review process agreed on by Allen, March and herself. This entails March sending a letter certifying areas of change and of no change from the formerly approved, and lapsed, special permit for this common drive. If the board approves the process, Allen will then review the areas of change in the technical content. Bayne will review the pre-1991 common drive regs and compare them to the present ones, review the present application for non-technical content, and compare the two submissions for non-technical content.

P.A. budget Colman reminded the board that they must plan carefully their use of the P.A.'s time; the regulatory work load is increasing and this may leave little time (and budget) for her to do anything but that work. The board agreed to have her concentrate on regulatory work.

The meeting was adjourned at 10:45.

Sandy Bayne, Planner Assistant