



Town of Carlisle

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PLANNING BOARD

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MINUTES

MEETING DEC. 12, 1994

PUBLIC HEARING FOR EXTENSION OF COMMON DRIVE SPECIAL PERMIT FOR SHIELD

PUBLIC HEARING ON AMENDMENT TO SUBDIVISION REGULATIONS

Chair Colman opened the meeting at 8:46; present were board members Duscha, LaLiberte, Hengeveld, and Chaput. Also present were Charlie and Peggy Zisch, Sharon and Paul Darden, Celia Robertson, John Myers, Marie Hrohway, Linda and David Brown, Steve Consalvi, Francine and Tom Rondina, Leni Abramson, and Bill Nussbum, all of Kristen Drive, Chelmsford, Chester and Betty Russell, of 6 Pine Hill Rd., Chelmsford, Bert Hamel of H Star Engineering, Chelmsford, Ray Faucher of 107 Old North Rd., John Lee of 65 Lowell Rd., John Tariot and Robin Shield of 886 Lowell Rd., and Tom O'Rourke of Maple St., all Carlisle.

Public hearing on proposed amendments to subdivision regs Colman opened the public hearing on the proposed amendments to the subdivision regulations at 8:47. He read the legal notice, which had been published in the *Carlisle Mosquito* on Nov. 25 and Dec. 2, 1994, and had been posted at town hall and sent to parties in interest on Nov. 23, 1994. Because the board recognized that the public was in attendance for other agenda items, and because the board expected to receive additional responses in writing regarding the proposed regs, Duscha moved, and Hengeveld seconded, that the hearing be continued without discussion until Jan. 9, 1995, at 9 pm. The vote was unanimous (5-0) in favor of the motion.

Public hearing on extension of special permit for common drive on Lowell St. for Shield Colman then opened the public hearing on the extension of this common drive special permit at 8:50. He read the legal notice which had been published in the *Carlisle Mosquito* on Nov. 25 and Dec. 2, 1994, and posted at town hall and sent to parties in interest on Nov. 23, 1994. He asked if Shield and Tariot wished to make a presentation. They declined. Duscha stated that she was uncomfortable with simply continuing to grant extensions on special permits if there is no reason to do so; she suggested the possibility of a shorter extension than one year. Shield then stated that she and Tariot had recently purchased the property from George Senkler, and wished to take a little more time in

deciding whether to use the permit or to develop the land in some alternative way. The board recalled it was to Senkler's mother, Susan Smith, that the permit had been originally granted in 1992, and that Senkler had received a one year extension in December of 1993, so that the new owners, Shield and Tariot, could decide whether to build the driveway. At that time, Senkler had told the board there was some interest on the part of D. E. M., owners of the abutting state forest, in purchasing part of the land. Hengeveld asked what the advantage of a shorter extension might be. Chaput felt that the common drive permit had originally been granted to lessen impact on a wetland and to prevent multiple driveways from entering Lowell St.; those issues, she said, still pertain. She felt further that were the current owners not pushed into construction by a short permit extension, they might find a way to develop the land less fully. Chaput moved, and LaLiberte seconded, that the permit be extended for one year, with the condition that no further extension be granted. The board discussed the fact that the driveway, as approved, has a minimum of 12' wide traveled way and 2' wide shoulders throughout, which would meet the minimum standards the board has been considering for future implementation; on the other hand, no as built was required under the 1991 regs, but will most likely be required under the amendments the board is considering. There was no further comment or discussion; the board voted to approve the motion 5-0. The hearing was closed at 9:10.

LaLiberte moved, and Duscha seconded, that the minutes of Nov. 28, 1994, be approved as amended. Colman, Hengeveld, Duscha, LaLiberte voted in favor; Chaput abstained. Bills were approved as presented.

St. Irene's Church reuse Charlie Ferraro, of St. Irene's building committee, explained to the board that he had asked for time on the agenda in order to discuss the possibilities for reuse of the church building and lot on Bedford Rd. when the church moves to East St. He stated that the church would like to sell the property for as much money as possible, while still considering the best use for the town. They have been approached, he said, by banks and tavern proponents, and have discussed affordable housing. His feeling is that the best use of the property might be as a colonial style office building, but he wished to ask board members for their opinions. Board members suggested he speak with the appeals board informally to ascertain whether the uses he might want are in their purview to grant, as many potential uses of this property would be governed by special permit from that board. In discussing the possibility that a desired use might require rezoning, Ferraro asked what the process would be and what role the planning board might play. He was told that the board would not present a petition for rezoning to town meeting, but would, as required by law, make a recommendation on such a petition to town meeting. Therefore, members would certainly like to discuss it with him further when he has more information. Chaput stated that she would like to see a needs analysis; she pointed out the glut of office space in surrounding towns. Ferraro felt there is a specific demand for office space in Carlisle generated by Carlisleans with home businesses who wish to move those businesses out of their homes. In response to Ferraro's question regarding whether community planning days might have helped the board discern the townspeople's wishes for town center, Duscha explained that the Master Plan will not be a very specific document, but that she felt comfortable saying the planning days had revealed no interest in expanding commercial

uses except perhaps for the addition of a pub or gathering place. Chaput commented that unless the town expresses an interest in expanding the commercial district, the rezoning of this one lot might be considered spot zoning. She urged Ferraro to help the church consider the impact on the surrounding properties. The P.A. mentioned that a sliver of the lot, but not a portion including the church building, appears to be in the Historic District, and therefore the Commission would need to consider whether it has jurisdiction. She also explained that the board has a representative on that commission, Scott Evans, who might be able to offer some guidance. Board member Yanofsky arrived during this discussion.

ANR Tom O'Rourke, 342 Maple St. LaLiberte moved, and Hengeveld seconded, that the board allow a portion of the 100 acre subdivided lot to be shown on the plan, and that the board endorse the plan. The members voted 6-0 in favor of the motion.

ANR Chester Russell, for land off Kristen St., Chelmsford. Bert Hamel, of H Star Engineering, Chelmsford, spoke to the board regarding this plan. He explained that the 22 acre parcel which lies entirely in Carlisle, has, in his opinion, two frontages. One is a ROW of 50' width which runs between Kristen Drive and the Carlisle town line; the other is a 40' wide ROW, known as Gary Rd. extension, which was accepted by the town of Chelmsford in the 1960's as a public way, and which is legally described in that acceptance as running to the Carlisle town line. The board asked if the frontage ways exist on the ground. They were told they do not, and viewed photographs taken by the P.A. which demonstrate that neither ROW has been constructed as a road; in fact, both have clearly been maintained as side yards. Hamel explained that although the town of Chelmsford owns the Gary Rd. extension "paper road", the ownership of the second ROW is unknown. His client, Mr. Russell, does not own it. Colman explained to the audience that the ANR process does not involve a public hearing, and that therefore the public has no right to speak; however, recognizing the importance of the issue to those who had come out to the meeting, he would allow brief remarks. Several neighbors spoke about the history of their interactions with Mr. Russell and his development plans for this parcel and another one nearby. They stressed how difficult it would be for Carlisle to provide public services to this lot, as it is a 2.1 mile trip from Carlisle to this parcel. Mr. Russell described his intent to develop one lot only on this 22 acre parcel. Hamel stated that if the board requires his client to build the road, he would need to develop 5 or 6 lots to recapture his investment, and would therefore need to submit a subdivision plan. Ray Faucher, superintendent of the State Park which surrounds the parcel except for the portion along the Carlisle Chelmsford town line, commented that the state has placed this parcel on its priority list for purchase, and asked Mr. Russell to wait for that to happen. Colman concluded the public comment portion of the discussion, explaining to those assembled that none of the issues raised by the neighborhood group, even though they might be true, and even though they were important, could be considered by the board when making its decision. The board, he explained, needed to decide whether or not the parcel has real and adequate frontage on a way. Yanofsky moved, seconded by Duscha, that the board deny the endorsement, based on the fact that there is no real frontage on a way. The board voted 6-0 to approve the motion.

Milne discussion Dorothy Milne and her attorney Howard Hall visited the board. Chaput recused herself. Hall informed the board that he had filed an appeal in Superior Court of the board's decision on her common driveway special permit application. Milne wants the special permit, but does not want to be bound by the condition which requires the access to lot three to be off the common drive beyond the wetland. He said that he would rather deal with the situation by asking the board to reconsider its decision based on soil testing which had been done after the decision was filed. The testing, done by Stamski and McNary on the rear portion of lot three, shows the soils to be inappropriate for septic because of very high water table; he admitted that it cannot be said with certainty that it is absolutely impossible. He submitted a letter from Joe March attesting to those results. He asked the board to consider two alternative conditions, and recognized that were the board to agree to consider these, a new hearing, with appropriate public notice, would need to be held.

If the board's principal goal is to minimize driveway cuts on Maple St., he said, these two alternatives should satisfy that goal. Alternative one would be to allow the house on lot three to be built at the originally proposed site, but to require it to be accessed off the common drive. Alternative two would be to allow lot three to share the existing Milne driveway. LaLiberte asked that Hall put the proposal in writing for the board's consideration. Colman commented that another purpose for the condition imposed on this special permit was the preservation of the perception that Carlisle roadways are surrounded by woods. Hall felt that his client might agree to reforestation of this Scenic Road frontage. He commented that he assumed the board's intent was not to deprive Milne of a lot; Yanofsky replied that Milne has not been deprived of a lot since she still has a valid ANR plan which shows lot three.

Master Plan Chaput stated that she and Duscha would like to propose as part of the M.P. an amended cluster bylaw. Because cluster is a valid way to preserve open space and protect the environment, and yet the bylaw we have is not being used, she proposed a subcommittee meeting at which local engineers and other people knowledgeable about cluster might comment on the bylaw. It was agreed Stamski and McNary, George Foote, and John Willett of Altair Associates might be invited to a meeting on Monday, Dec. 19. Bayne will post the meeting and contact Willett; Chaput will contact Foote and McNary. She also distributed to the board members two articles relating to lot size and decisions on takings.

ANR Megowen River St. The board noted that the P.A. had discovered that the owner named on the plan and the owner named on the Form A were not the same and in addition the ownership information was not complete. On a motion by Chaput, seconded by Duscha, the board voted 6-0 to place three signatures on the plan until such time as the correct information is provided. At that time, Colman will add his signature to the plan.

The meeting was adjourned at 11:00.

Sandy Bayne, Planner Assistant