

DRAFT

MINUTES
FEBRUARY 12, 1996

CONT. PUBLIC HEARING: Laurajon Drive Definitive Subdivision
CONT. PUBLIC HEARING: Cross St. Special Permit for Common Drive
CONT. PUBLIC HEARING: Pine Meadow Definitive Subdivision

Chair Colman convened the meeting at 7:20 p.m. Colman, Duscha, Epstein, Hengeveld and Yanofsky were present; LaLiberte and Tice were absent. Also present was Planning Administrator Mansfield.

MINUTES: The minutes of the meeting of January 22, 1996, were approved as amended on a motion by Yanofsky, seconded by Hengeveld. The amendments are as follows:

- p. 4 Paragraph 5, final sentence: replace "Yanofsky concluded that, as it stands, there is nothing that the Board can object to..." with "Yanofsky concluded that, as it stands, there may not be anything that the Board can object to..."
On Epstein's suggestion, Yanofsky agreed that this was the intent of her comment. Epstein also questioned the accuracy of Abend's estimate of 15 trips in paragraph 4, but it was found to be consistent with Abend's letter of 1/22/96.
- p. 5 Paragraph 3, final sentence: replace "Coyle contended that there is an easement on this trail through the area." with "Coyle expressed her belief that there is an easement on this trail (but none is shown on the plan).
Duscha asked that Coyle's statement be clarified and that it be made clear that there is no trail easement on the subdivision plans.
- p. 7 (Baldwin Rd.) Paragraph 1, line 10: delete "the layout of" regarding Colman's message to the Fire Chief. Colman noted that he was seeking more general concerns about the driveway.
- p. 8 Paragraph 3, line 7: correct "bee" to "been" (typographical error).

CONTINUED PUBLIC HEARING: Laurajon Drive Definitive Subdivision

Colman reopened the hearing at 7:35 p.m. No parties in interest were present. Mansfield called the Board's attention to a letter received by FAX today from Jacob Diemert, attorney for the applicant, requesting a continuance of the hearing and an extension of time to act until two weeks after the Board's first March meeting. Since this would fall on the date of the Board's second March meeting, Mansfield suggested the extension continue until April 1, noting also that the primary reason

for the request was to allow for the redelineation of the wetlands, as requested by the Conservation Commission, the timing of which would be dependent on weather conditions. Colman questioned whether an even longer extension ought to be considered.

But Duscha argued that the process of extending the time for action on this definitive plan, and subsequently receiving little or no response from the applicant to the questions asked by the Board, has gone on too long and should be ended now. Colman saw merit in this suggestion, observing that plan revisions haven't been received as requested. Yanofsky asked whether the Board needs to make a finding to support denial of the plan. Mansfield replied that the Board would have to cite specific respects in which the plan currently before it does not comply with the subdivision rules and regulations, but that many such examples of non-compliance have been documented in previous minutes and memos. Colman said that he feels strongly that the Board should disapprove the plan, adding that the applicant should be required to pay application fees if he wishes to resubmit because a lot of time and expense has been spent reviewing this application. Duscha and Yanofsky indicated their agreement with this position.

Epstein, however, said that he did not see a compelling reason to deny the plan. He suggested approval of the extension with a clear indication to the applicant that no further extensions would be granted. But other members replied that just such a message was sent with the previous extension granted on December 18, 1995. Epstein said he wasn't aware of that, since he was absent at that meeting. Mansfield explained that he had suggested to the attorney that he request withdrawal without prejudice and resubmit the plan when the wetlands issues are resolved, but that route had been rejected.

Yanofsky noted that, since the hearing had not opened until October, this was not particularly long for a subdivision plan deliberation. She added, however, that on this plan the Board has never received complete and accurate information. Duscha added that specifically requested information has not been produced. Yanofsky asked for direction to proceed, since the Board has not disapproved a subdivision before. Colman replied that since this plan has not complied with the rules and regulations within the time period, he is confident that the Board is acting within its rights. The deadline is upon us, he said, and we don't have a plan we can approve.

But Epstein again cautioned that there may be circumstances preventing the applicant from completing plan revisions, specifically because he needs to adjust the plan to meet Conservation Commission requirements. He suggested that the Board consider the requested extension, and so moved to accept the request for an extension and to grant it until April 1, 1996. Duscha seconded the motion, but it failed to carry by a vote of 2-3, Epstein and Yanofsky in favor, Colman, Duscha, and Hengeveld opposed.

Taking note that the time to act upon this plan would expire on February 15, Hengeveld moved to approve the definitive subdivision plan

named Laurajon Drive, off East Street, submitted by Theodore Treibick. Yanofsky seconded the motion, but there were no votes in favor and five in opposition. Colman declared that the definitive subdivision was thereby disapproved. He said the certificate of disapproval should state that the Board did not have a plan before it that complied with the rules and regulations within the time frame in which it was required to act, including extensions previously granted. He added that since requested waivers had not been approved, these aspects of the plan are to be included among those that do not comply. He closed the public hearing at 7:53 p.m.

CONTINUED PUBLIC HEARING: Cross St. Special Permit for Common Drive

Colman reopened the hearing at 7:54 p.m. Present were John and Chris Fielding, Joe March of Stamski and McNary, and Betsy Kendall. John Fielding asked the Board members whether they were, at this point, favorably disposed towards approving a common drive permit for this site, and each member expressed a positive position. March then discussed the elements proposed that differed from the original common drive plan, namely that the road is shortened and includes a slight bend to accommodate a septic system. He added that these plans have been reviewed and approved without change by LandTech.

Chris Fielding called the Board's attention to the revised maintenance agreement, that he said included all the changes recommended by Epstein and LaLiberte in their review of the original draft. Epstein concurred that the revisions were consistent with his suggestions, but questioned whether the utilities should be permitted by easement to be above- or underground at the developer's option. He noted that in the most recently approved common drive agreement (Rose Drive), the utilities' easement was limited to underground installation. Duscha commented that when this common drive was to serve a conservation cluster development, the placement of utilities was more of an aesthetic question since they could have had an impact on the open space. She was less concerned in the present case. Hengeveld asked if underground installation posed any hazard to wetlands, and March replied that it did not. Chris Fielding stated that underground utility construction involves significant cost, and that he would like to have options to negotiate with the electric company. March added that the regulations require above-ground poles to be hidden behind trees. But Colman expressed concern about trees falling and causing power outages in storms. John Fielding raised questions about potential groundwater problems with underground installation, but Yanofsky noted that since underground utilities are required for subdivisions, she would like to see them in this development also. At that, John Fielding agreed to limit the easement to underground.

Returning to the language of the maintenance agreement, Epstein suggested that "Lots" be capitalized in every instance, but that "majority" need not be capitalized. He also asked that the last sentence of section #3, referencing "Fielding," be deleted. Finally, he asked that the provisions of section #7 (re: amendment and severability) be referenced in the decision.

Epstein asked whether an ANR plan had been submitted for endorsement. March replied that such a plan was yet to come.

Colman asked for comments from the public present, but none were offered.

Yanofsky then moved approval of the special permit for a common drive to be known as Fielding Farm Drive, amended as shown on a plan revised January 15, 1996, and accompanied by a maintenance agreement amended to reflect the agreements reached at this hearing. Duscha seconded the motion, and it was approved unanimously, Colman, Duscha, Epstein, Hengeveld and Yanofsky voting in favor.

Yanofsky then moved to close the public hearing, seconded by Epstein, which motion also carried unanimously. It was agreed that the ANR would be endorsed at the next meeting on February 26.

REVIEW OF DRAFT DECISION: Cross Street Special Permit for Conservation Cluster (Fielding)

Board members reviewed the draft of the decision reached at the meeting of January 22 that denied this special permit. Yanofsky observed that the format of the decision was different from that to which the Board was accustomed. Mansfield explained that, in his experience and in reviewing previous decisions drafted by Sandy Bayne, he thought the detail included was appropriate (especially to support a denial), but would defer to the Board if they would prefer something different. Colman said he appreciated the level of detail and felt that the record thus created was important. Duscha noted that the bridle and foot trail referenced on p. 2 was discussed but never materialized on the plan. Members agreed that reference to it in this decision should be deleted. With that correction, the P.A. was asked to put the decision in final form.

REVIEW OF DRAFT DECISION: Baldwin Road Special Permit for Common Drive (Evans)

Duscha focussed discussion on the findings supporting the reasons for her vote that led to the denial of this permit, as documented at the bottom of p. 2. She explained that the reason for denial was the way in which the common driveway fits into the existing neighborhood and street system. Yanofsky added that the plan does not adequately address safety issues. At this point, Colman took note of the hour and asked that this review be postponed until later in the meeting. When taken from the table at the end of the meeting, however, further discussion of this item was postponed to the meeting of February 26.

CONTINUED PUBLIC HEARING: Pine Meadow Definitive Subdivision

Colman reopened the hearing at 8:20 p.m. Present were William Costello, Joe March of Stanski and McNary, Judy Lane and Stuart Johnstone of the Trails Committee, Tricia Smith of the Conservation Commission, Lee and Mary Storrs, Alexander Parker, Luisa and J. Heard, Kathleen Coyle, and Vivian Chaput.

Judy Lane and Stuart Johnstone discussed the Trail Committee's desire to maintain a trail easement through this property, and illustrated their plans on an aerial photo, apologizing for not having the large overlay map of the town's trail system available. Johnstone emphasized the value of linkage to other trails and to conservation land. He said that the Pine Meadow land represents an important piece of the trail puzzle. Lane illustrated on the Pine Meadow plans the existing trail on the westerly side of the property (traversed on the site walk) that connects Maple St. to Brook St. She also pointed out a 40 ft. right-of-way that connects to the property from the end of Page Brook Rd., suggesting that this also could be route for a connecting trail. Some members questioned whether this right-of-way did indeed connect through to the Pine Meadow property, but March confirmed that it did. He said, however, this would require crossing Page Brook and extensive associated wetlands. But Lane responded that future environmental or technological developments could make this a viable route and should not preclude preserving it by easement now.

Returning to the westerly trail location, Colman observed that it has become almost impossible to continue on the existing trail to Brook St. with the construction of the new house, its driveway, and wetland replication. Lane reported that her committee is currently negotiating with the owners of that house for a workable easement. Duscha commented such a trail could connect with Foss Farm and provide a route through to Great Brook State Park. She noted that they are working on the missing links, but some of this route has been preserved for the public and is "in the bank." Obtaining an easement across the Pine Meadow land is an important step in protecting a continuous trail from Maple St. to East St., which is itself part of a bigger plan, she added.

Lane reported that this process of protecting trails through easements and conservation restrictions is proceeding through Joel Lerner's DEP office, where the concept of an overall plan is important. She also emphasized that these trails, although now partially on private land without benefits of easements, are currently in use and noted that the link being discussed here is also part of the Bay Circuit system.

Yanofsky asked how the route proceeds once one reaches Maple St. Lane explained that privately-owned trails extend east from Maple St., and a walker would not have to stay on Maple St. for more than one lot frontage. Johnstone added that as the town grows, the need for trails also grows. Lane pointed out that Sec. 4.B.3. of the subdivision Rules and Regulations provides for the preservation of trails, and urged the Board to preserve the existing trail or find an alternate location for it within this property.

Costello then joined the discussion. He expressed his concern that there had been no previous communication with him by the Trails Committee, although this subdivision plan has been on file since October. Lane disputed this contention, and Colman noted that it had been announced at the last meeting that there would be a presentation tonight by the Committee. Costello recounted that he had spent 4 months at the end of 1990 to draw up trail conservation documents for Tall Pines; that the issue had been before the Documentation Committee for 8 1/2 months in 1992; and that in 1995, the creation of these trail easements had still held up the release of lots. He said that he would be unwilling to enter into this kind of process again, especially one that involves and is dependent upon Lerner and/or the Selectmen.

Lane responded that she had indeed discussed this request with Costello earlier; that trail restrictions, in her opinion, must go through Lerner's office, and that she had personally pushed the last set through the process, contending that it had not held up lot releases. But Yanofsky defended Costello's right to take his position and asked why these restrictions must have Lerner's approval, as long as Town Counsel certifies that a document grants permanent protection. Lane explained that the Town should "own" the land through the means of a conservation restriction (CR) to effectively deal with safety issues and other problems that may arise. If it is conservation land, the Town can police it, she said. What is the difference, Yanofsky asked, between a CR granted to the Planning Board and one that is approved by Lerner? Lane answered that it would be more difficult to track a Planning Board CR in the future. Colman asked why we can't do that ourselves. Lane replied that if the Town had a tracking system that worked, that would be fine, but it doesn't. Epstein said he is sure the Board could establish a process that would work, if that is the only problem. But Lane said she feared a communications problem if both the Planning Board and the Conservation Commission (through Lerner's office) are issuing CR's.

Yanofsky suggested that, no matter who will issue the CR's, specific documents should be on the table for discussion. Costello said such documents should be drawn up initially by an attorney, preferably Town Counsel. Duscha suggested contacting the Conservation Law Foundation for a model, but Costello objected, saying that CLF's model is very one-sided and requires Lerner's signature. Yanofsky and Epstein suggested that the Trails Committee itself present a plan of how the trail easement should be laid out, including a legal description. Costello cautioned that he doesn't want this process to hold up the Board's action, but Epstein assured him that this issue can be considered as part of the approval process. Colman stated that, for future consideration, the Committee should offer a standard document and a designated easement. Epstein added that he would like to see a more organized and specific proposal from the Committee.

March suggested that a trail that now leads to someone's house is somewhat unreasonable. Johnstone responded that even a dead-end easement doesn't hurt the Storrs' property because they would, at the

least gain access to Maple St. Duscha asked for comment from Lee and Mary Storrs, but Mary Storrs said they had not yet come to any conclusions.

Colman then directed discussion to the question of sight distance at the proposed southerly intersection with Maple St., as raised by the P.A. and observed during the site walk. March noted that since there are no specifications in Carlisle's regulations for sight distance, he used AASHTO standards that depend upon a posted speed limit. Based upon the posted speed of 20 mph., a 125 ft. sight distance is required and the observed distances are 241 ft. and 360 ft. in the north and south directions respectively. Furthermore, he said, to move the road would affect the zoning ellipse on each lot, and force the footprint of the houses into the wetlands buffer zone. However, he said, with a waiver he could adjust the roadway within the ROW and pick up 12 ft., creating a sight distance acceptable for speeds up to 34 mph. in the least favorable direction. He also could remove some of the trees at the bend in Maple St., if the Planning Board so wishes. Colman noted that since some of these trees are within the Maple St. ROW, a scenic road public hearing would be required. Luisa Heard reported that speeding is common on Maple St. and that visibility is hampered by a rise in the road that the removal of trees would not correct. Epstein suggested that the relocation of the road should be roughly 60 ft., not 12 ft., to be effective. Mansfield asked March to clarify that such an adjustment would shift the lots, but not necessarily reduce the number of lots. March concurred, reiterating his concern about the effect on the buffer zone.

Yanofsky urged the Board to request a speed report from the police, as suggested by the P.A. She added that a trip generation projection of 150 should require a traffic study, as it does for SROSC permits, and asked whether construction might damage Maple St.--recently resurfaced--at a cost to the Town. March replied that SROSC permits require traffic analysis because they seek an increase in density, not the case here.

Judy Lane cited a high dog and cat death rate on Maple St. and noted that it is a commuter route from Billerica. Alex Parker also raised traffic safety concerns, comparing the danger here to that on Concord St. Colman then asked Mansfield to ask the Chief of Police to run speed checks on this section of Maple St. and to report on the accident history there.

Luisa Heard explained that her home is directly across the street from the proposed north entrance to this subdivision, and feared that headlights will shine into her living room. She asked if planting could screen this effect. March described the proposed entrance and landscaping. He said there were no plans for a decorative entranceway, but noted that the underground leaching basin cannot have plantings above it. He could, however, move the road within the ROW with a waiver so that it doesn't aim directly at the Heard house. The Board informally supported such a waiver. Costello asked that this be made a

condition of approval, rather than a waiver. Colman suggested that Tice review this situation in the field, and that any changes in the plans be reviewed by LandTech.

A possible sidewalk waiver was discussed, but it was the consensus of the Board to wait to see the Trails Committee's proposal before any conclusions were reached, and also to assess the impact on potential sidewalk location of moving the roadway at either or both intersections.

Duscha raised the question of a potential waiver of the requirement to fully clear the ROW. Colman noted that both this an a sidewalk waiver would enhance the rural look of this development. However, no decision was reached.

Yanofsky moved continue the hearing to 7:30 p.m. on February 26.
Hengeveld seconded the motion and it was approved unanimously.

DISCUSSION: Status of Tall Pines improvements

Since the Board had evidence that the Tall Pines CR's had been signed by the Selectmen and the Conservation Commission on January 23 and February 1 respectively, they authorized the Clerk, Duscha, to add her signature to the 6 lot releases approved conditionally on November 27, 1995. Epstein noted that, at that time, the Board had not definitely stated that they would release an additional 6 lots in late winter, but rather said that they would consider this action. Duscha concurred. Costello asked, as he had in an undated letter to the Board received on February 8, what security the Board will accept in exchange for the release of additional lots. Yanofsky said that she is willing to release 6 more lots without further financial security, but after that the Board does need to reconsider this issue. Duscha again agreed. She asked whether LandTech had inspected the bridge, and would like a status report from LandTech. March replied that the former P.A. had authorized the contractor to contact LandTech directly when their input and review was needed, and that this would continue. Not much work has taken place recently, he said, because of the weather.

Colman suggested that LandTech should be accompanied to the site by a Board member, probably Tice, and by the P.A., as was the former practice. Although the Board had relied upon a comfortable working relationship between March and the former LandTech engineer, Graves, now that there is a new engineer (and a new P.A.), the former, more structured practices should be reinstated. March agreed to do so.

Yanofsky recalled that LaLiberte also had a strong opinion on lot releases, and should be part of this discussion. She again suggested the discussion be continued at a later date. She noted that the contractor has estimated that it will cost \$845,000 to finish the roads, and she doesn't feel comfortable securing this just with lot value, because the Town cannot be expected to get into the real estate business. Duscha said she was not as concerned about alternative security. Costello informed the Board that by May, the costs should be

reduced to about \$425,000 to finish the entire road system. In spite of this, however, Epstein said that he too would be interested in holding another form of security beyond the lots, after the release of the next 6. To Costello's alternative of finishing the roads before requesting any more releases, Epstein pointed out that the requirements are that all utilities be completed before lot release, absent some other form of security. He said that he thought that his, Colman's and Yanofsky's position represented a majority of those on the Board eligible to vote on this project (Hengeveld is excused). Costello said he understood their position, and would respond accordingly.

At this juncture, Colman left the meeting and Hengeveld took the Chair.

STUDY PLAN SUBCOMMITTEE: Proposed revisions to Conservation Cluster Bylaw and proposed flexible zoning

Yanofsky circulated and discussed her memorandum of February 9. She said that the schematic plan comparison of alternative developments under conventional subdivision, and the present and proposed CC bylaw, that was discussed in the subcommittee and offered by Bill Costello, had not been completed but was not vital for the general Board discussion that she anticipated tonight. Costello agreed that it such a schematic would be prepared by Stamski and McNary for a future meeting, and its specifications were discussed.

The primary questions, Yanofsky posed, are should these revisions be submitted to Town Meeting this spring and, if so, what is the process needed to get there? Duscha replied that she thinks the initiative should be pursued now, but she would not be able to provide much assistance. She added, however, that she strongly supports the mechanism of a schematic illustration, that the proposal must be presented at one public meeting, and of most importance, all involved boards and committees must be talked to in advance.

Vivian Chaput said she is willing to put in the time to make this happen. Additional developments, she said, are expected to be proposed shortly and the current cluster bylaw does not work well as an alternative to conventional development. She suggested that improvements be made first to this bylaw, and then the Board and the town should work towards creating flexible zoning. She added that this is an important step to incorporate the concept of rurality and the other goals of the Study Plan into the existing bylaw.

Yanofsky said that since Town Meeting is expected to have a full agenda of capital projects and budget concerns, this proposal should not receive undue scrutiny. Also, since it does not propose a change in density, it should have a favorable reception.

Hengeveld asked that the subcommittee recommend a time schedule for moving this proposal to Town Meeting. Accordingly, it was agreed that a subcommittee meeting would be called for Monday, March 4, 1996, at 8:00 p.m. All Board members will be urged to attend. Mansfield agreed

to post the notice for this meeting, but told the Board that he would not be able to attend that evening.

Yanofsky asked that, at the February 26 Board meeting, a vote be taken when more members are in attendance to confirm that this proposal should go forward. She also suggested that, at that time, meetings be scheduled with each of the following to discuss the proposal:

Conservation Commission
Board of Health
Bylaw Review Committee
Board of Selectmen
Trails Committee
Historic Commission

Chapter 61A notice to sell land on Curve St.

The Board reviewed a copy of the notice from Arthur Eno, Jr., regarding the intent of the owners to sell a 2.1 acre building lot on Curve St., and thus to remove it from the provisions of Chapter 61A. It was noted that this parcel meets frontage and area requirements as a single family residential building lot. This lot was created by an ANR plan, endorsed by the Board on March 13, 1995. The P.A. pointed out that the remaining adjoining "pork chop" lot, that will remain under 61A, contains 14 acres but has only 40 ft. of frontage. This could not be subdivided further without a waiver of the rules and regulations requiring a minimum 50 ft. layout width for a roadway. The Board members present made no recommendation that the Town exercise its option to purchase the parcel to be sold.

Request for representation on a Build-out Committee

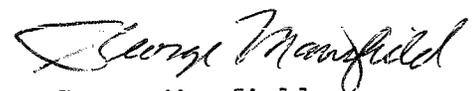
The Board noted that a projected build-out of the Town had been included in the Study Plan document, and referred the committee to that information. They noted that the Open Space Bond Bill, recently signed by the Governor, reportedly will provide funds for acquisition of land that might otherwise be developed, but there has not been planning for this eventuality in Carlisle. They suggested that this committee recommend contract for someone experienced in this process to work with the Planning Board on such an initiative. They did not, however, appoint a member to the committee.

Budget presentation to the Finance Committee

The P.A. was asked to contact LaLiberte to ascertain that he was going to be able to represent the Board on February 15, and that he had all the necessary documentation. Yanofsky offered that she could, if absolutely necessary, take LaLiberte's place or accompany him.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,



George Mansfield
Planning Administrator