



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 729  
CARLISLE, MA 01741  
(508) 369-9702

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MINUTES

March 25, 1996

**PUBLIC HEARING: Malcolm Meadows Special Permit for SROSC**  
**DISCUSSION: LandTech work requirements**  
**Future amendments, Conservation Cluster bylaw**

Vice-Chair Hengeveld called the meeting to order at 7:27 p.m. Colman, Duscha, Epstein, Hengeveld, LaLiberte, Tice and Yanofsky were present. Also present was Planning Administrator Mansfield.

MINUTES: The minutes of the meeting of March 11, 1996, were approved as drafted 6-0-1 (Yanofsky) on a motion by Tice, seconded by Epstein, with the following amendments:

- p. 4: add "proposed houses" in the first paragraph
- p. 8: delete "as Clerk" on request of Duscha

**PUBLIC HEARING: Malcolm Meadows Special Permit for Senior Residential Open Space Community, Stearns St. (Northwest Structures, Inc.)**

Present for the hearing were the applicant. Ronald Peabody, his representatives, Attorney Steven Graham, and Richard Harrington of Stamski and McNary, Mark Sleger of LandTech, Ken Harte, Eunice Knight, Jay Luby, Alex Parra, Susan and Brian Wilson, Debbie and Steve Webster, Don Markey, Susan Emmons, DeLores and Charles Cook, Walt and Catherine Woodward, Hal Sauer, Jane and Ron Lawson, Greg Felch, Karen Lawson, Bette Peabody, Steve Pearlman, and John Zeisel

Colman assumed the chair at 7:34 p.m. and read the notice of the public hearing. Harrington submitted the return receipts as evidence that notice had been given, and described the project: 12 residential units in 5 buildings on approximately 4 acres, surrounded by 20 acres of permanent open space. He added that he will be filing a notice of intent with the Conservation Commission, and an ANR plan with the Board. He

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explained that the entrance driveway had been shifted to the right to minimize headlight glare into the home across the street, while maintaining adequate sight distances. With regard to the requested waivers, he noted that the drainage plan has been revised so that two subcatchment areas meet in the southern portion of the site and leave the site together, flowing onto the Evans property. The increased runoff is approximately 8.25%, less than 10% as requested by the Board. Water usage is estimated to be 30% less than a standard subdivision. A formal traffic study is not required because only 76 average weekday trips are expected to be generated. A natural features plan is not included, but notes have been added to the site development plan that the existing foundation and shed will be removed. A plan and profile of the driveway is not included. All of the above conditions are consistent with the waivers agreed to in concept by the Planning Board at the preliminary review stage, and Harrington added that LandTech has reviewed and approved all of the above.

He also noted that since the driveway to the condominium units serves only one lot, a common driveway special permit is not required. He explained that the Fire Chief has requested that the driveway be 18 ft. wide, while the Planning Board asked for a 16 ft. driveway and a 4 ft. sidewalk. To increase the driveway width while retaining the sidewalk may increase the runoff to close to the 10% limit set by the Board. Eliminating the sidewalk, however, would more than compensate for the extra paved driveway width. He also explained that the fire cistern had been expanded to 20,000 cu.ft. storage capacity and more to the cul-de-sac island to better service the dwelling units.

Graham reviewed the letter form the Board of Health, and agreed to expand language in the Condominium Trust agreement to satisfy their concerns.

Epstein questioned whether the waiver of the traffic study was warranted, noting that the P.A. had questioned the base used to calculate the traffic generation. Mansfield explained that there had been some confusion over the application of ITE standards, but after discussion with Sleger, they had agreed that the original calculations by Stamski and McNary were accurate.

Tice asked to review the sight distances and the relocation of the driveway entrance. Harrington explained that a three foot strip of trees and brush along and inside the stone wall will be removed to create adequate sight distance. This will yield a 335 ft. sight line to the right, and in excess of that to the left. Duscha asked whether the entrance had been moved as far as had been requested. Peabody said that although Joe March, who worked on that request, was not present to answer the question, he believed that it had been moved further than expected to avoid a utility pole. Mansfield added that he has reviewed the location on a site visit and it appears to be appropriate.

Yanofsky asked when the ANR plan would be submitted. Harrington replied that would wait until all plans are finalized.

Colman suggested that the Board review the alternative driveway widths, and the need for a sidewalk. Peabody reviewed the history and the Fire Chief's request for a wider drive. He suggested, that since the sidewalk as designed is close to the units, that it be eliminated except for the walk that connects Stearns St. to the parking lot drive. Colman concurred, since there will be more traffic in that first section of drive, separation of pedestrians make more sense there. Tice also supported this change. Ken Harte asked whether pedestrians would be just as likely to walk into the site on Two Rod Road, but Colman thought the driveway would be utilized. Charles Cook of Stearns St. asked whether curbing was planned, noting that such might pose a tripping hazard for elderly pedestrians. Harrington replied that all paving is flush; there are no curbs.

Cook also asked about the planned lighting. Peabody replied that the only lighting is on the buildings, with each unit having three lights, at the front door, the garage, and the deck. Greg Felch of Stearns St. asked whether additional lighting was proposed for the new intersection, and was told it was not. Duscha asked whether the police have reviewed the lighting for adequacy. Peabody said they have not, and Duscha suggested that be done. Colman noted that no lighting appear on the plan, and LandTech does not think this is an issue, but if the police want additional lighting, it should be considered.

Tice asked if the landscape screening behind unit 11 can be extended. Peabody replied that planting and berms are shown on the landscape plan, but that more planting could be added at the former site of the fire cistern. Tice also asked whether there are planting proposed on the slope around the septic area. Peabody replied that a "conservation mix" of grasses will be planted.

Eunice Knight, who identified herself as representing the Carlisle Conservation Foundation and as a landscape designer, said that it was desirable to extend the landscaped berm beyond the units, but that neighbors might prefer to see a natural field. Debbie Webster of Stearns St. explained that it was her home that lies directly across from the driveway. She described the potential impact on the neighborhood as "losing the residential feel" of the area. As a Carlisle native, she never expected to have multi-family units across the street. Her view will be the back of a 3-unit building; the area will be completely stripped and the existing natural buffer will be gone. She expressed a strong concern for an adequate visual buffer to mitigate these impacts. Mansfield asked if the white pine grove will be completely removed. Peabody replied that most of it will be disturbed by the construction, but the landscape budget for replacement screening is not yet fixed. Tice asked if all utilities are underground and was told they will be.

Ron Lawson of Patten Lane asked about phasing, expressing concern that this was only phase one. Colman replied that this was the ultimate project, not one phase. Graham offered to explain the language regarding phasing in the Master Deed. He said that while all units can and may be built and sold at once, they may also be built in phases. Webster asked whether that meant that landscaping could be delayed until all five buildings are built. Graham replied that it is up to the Board to set that schedule.

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Felch asked if neighbors might meet with the landscape architect to revise the screening plan. Walter Woodward of Stearns St. asked where snow plowed out of the driveway would be put. Mansfield asked whether the relocation of the fire cistern would require revised landscaping in the circle.

Epstein suggested that the condominium association be required to maintain the landscaping. Graham replied that it would be inappropriate, since such a burden is not put on a single-family homeowner by the Town. But Epstein reminded him that the applicant is seeking a special permit, for which public benefits should be exchanged. Graham agreed that there is no legal impediment to such a condition, but suggested it would be offensive if it applied to more than just the buffer zone landscaping. Peabody suggested language that the buffer landscape remain substantially the same, although that might be difficult to enforce. Epstein suggested that we might be more specific once the landscape plan was complete.

Yanofsky asked about maintenance provisions for the trail parking area. Peabody replied that this was not his responsibility. Harte noted that all the open space will have a maintenance fund provided by the Trustees of Reservations (TOR), which is new to Carlisle. Duscha questioned that lack of an open space plan, pointing out that there are no designated trail locations and no consideration of handicapped accessibility. She said that these issues should be addressed as a requirement of the special permit. Knight replied that this would be very difficult to do at this stage. A TOR maintenance manager would need to survey the entire site and prepare plans, which will take considerable time and effort. Duscha, however, stressed the importance of having something on paper before the approval of the special permit. But Knight said that can't be done. Graham added that the Congregational Church and the developer have committed to 20 acres of open space, but the layout of that open space should not be the focus now. But Yanofsky contended that the Board must pay attention to trail locations now, since they will have no control later.

Jay Luby reminded the Board members that they are all pro-conservation, and hold similar goals to those of the CCF. He said that many like-minded people have spent years to bring this property into the open space bank, and they are not going to walk away from its stewardship once the special permit is granted.

John Zeisel of Baldwin Rd. said that he will look directly at this project from his home. He said that there is no building in Carlisle where its back faces the adjoining neighborhood. One building that seems to be poorly sited causes the major problem, he said; face it outwards and further screening may be irrelevant. He said he favors the cluster, if only this design problem could be rectified. Peabody replied that he was not prepared to respond. The whole plan is very tight and interdependent, he said, but will take his direction from the Board. He offered to provide a rear elevation for units 10-12.

Yanofsky spoke in favor of a more complete landscape plan to provide screening, especially additional evergreens. Epstein asked if it would be useful to bring in a

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landscape architect, either through LandTech or otherwise. Peabody said he would be happy to earmark a sum of money to hire a landscape architect who could listen to Board and neighborhood concerns and come up with a revised plan, noting that trees are not particularly expensive. Epstein accepted that offer, and Peabody earmarked \$1,000. for the task, the architect to be hired either by the Town or the abutters. Knight offered to do the work for free and allow the additional fund to be put into the plant materials, but Yanofsky suggested that might be a conflict of interest. Epstein was concerned by the \$1,000 limit, and suggested a cost estimate should be sought in advance. But Harte doubted that could be done in the limited time available.

Tice asked if there are restrictions placed on the condo owners limiting outside storage. Graham replied that such restrictions can be offered, and can be enforced through the condominium agreement. LaLiberte asked what assurance there is that these units will be occupied by seniors. Graham explained that, although a younger spouse or children could remain after the death of a senior homeowner, the unit can only be sold to a person over the age of 62. If this provision is not enforced by the condominium association, it could be required by the building inspector. Graham said a similar provision in the Audubon Hill development in Acton has worked well there.

Duscha asked if the parking spaces met ADA requirements. Peabody replied that the garage spaces were of adequate dimension, but they have not been told that this project has to meet such handicapped accessibility requirements. The units, however, are designed to be retrofitted for accessibility if necessary. Mansfield suggested that this question be referred to the Town Administrator.

Alex Parra noted that the gravel parking area is there at the request of the Conservation Commission. He suggested that the Board approve the parking area as designed, but make it subject to ADA compliance.

Mansfield questioned whether Parcels A and B are part of the special permit. Harrington replied that since these parcels provide some of the drainage for the housing project, they are included under the special permit.

Felch asked whether exterior color of the buildings will be regulated. Peabody said it would not, and Colman suggested that unless this was a major concern, it should not be further discussed. Karen Lawson of Stearns St. did state that this was a concern to her, and such control is exercised elsewhere.

Jane Lawson of Patten Lane asked about the order of phasing. When told that there was none planned, Duscha asked if there was a marketing plan. Peabody replied that this, too, was yet to be developed, but he admitted that it would be difficult to phase this project.

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Mansfield suggested that the sign(s) should be discussed. Peabody replied that a 2 x 3 ft. handcarved identification sign is proposed, along with a mailbox stand. The signs identifying the conservation land and trail parking will be proposed by the Cons. Comm.

Harte asked the Board to reach a conclusion on the sidewalk/driveway width decision. It was agreed that further input was needed from the Fire Chief, but Peabody said he thought the sidewalk makes sense, even if it makes the drainage numbers tight. In a straw poll, Tice spoke against having any sidewalk, and Hengeveld and Colman agreed with him. But Epstein, LaLiberte and Duscha all said they were inclined to include the sidewalk, if possible. Yanofsky said she doesn't care; while she would prefer to remain consistent with the preliminary decision that included the sidewalk, she would rather see less pavement. Mansfield suggested a compromise, by eliminating the sidewalk between the trail parking lot driveway and Stearns St., reserving it for the primary use of the senior residents going from unit to unit. But it was decided to postpone the decision for more information about the Chief's needs and the drainage effects.

In order to implement the revised landscape plan, a neighborhood liaison was selected, Debbie Webster, and it was suggested that the P.A. seek recommendations for a consultant through LandTech. It was also suggested that it be a condition of the special permit that, after the completion of two buildings, the landscape buffer be completed.

Graham suggested that the location of trails be developed as a future condition. Sleger noted that the SROSC regulations require all proposed improvements to be shown on the open space, but that the applicant could request a waiver of this reg.

Regarding the Project Review fee, Yanofsky **moved that a 53G account be established in the amount of \$4,400. for this application**, including the landscape architecture services. LaLiberte seconded the motion, and it was **approved 7-0**.

Colman then continued the hearing to April 8, 1996, at 8:30 p.m.

**Request for Endorsement of Pine Meadow Definitive Subdivision Plan**

(Certificate of Approval filed 3/14/96; 20-day appeal period expires 4/3/96)

Richard Gallogly, representing the applicant, William Costello Realty Trust, explained his request in his letter of March 21, 1996, for endorsement of this plan prior to the expiration of the 20-day appeal period. He said that in his opinion, ambiguity exists in Condition 6 of the Certificate of Approval, because reference is made to an "isolated area subject to flooding" rather than to "isolated land subject to flooding," as defined in the Wetlands Protection Act. He said that although he assumes that the Planning Board did not intend to invent a new, undefined wetland resource area, he has added specificity to the notation on the plan required by Condition 6 and would like the Board to endorse the plan to show good faith prior to the loss of his client's right of appeal. He added that although the statute requires the Planning Board to endorse a plan "after the expiration of

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twenty days without notice of appeal," it does not say specifically that prior to said twenty days the Board shall not endorse. Alternatively, he suggested, the Board could endorse the plans now and hold them until the appeal period expires.

Mansfield explained that this was simply an error in the Certificate of Approval, and did not reflect any other intent by the Board. He said further that the Board cannot by law endorse the plans until after April 3, and that he had confirmed this in a telephone call to Town Counsel.

LaLiberte stated that there is no intent on the part of the Board to change an earlier decision, and suggested a straw poll to confirm that. But Epstein, alternatively, **proposed that an amendment be added to the Certificate, and filed with the Town Clerk**, stating that this term is a "scrivener's error" and that it does refer to isolated land subject to flooding as defined in the Wetlands Protection Act. He put that in the form of a **motion**, Duscha seconded it, and it was **approved 6-0-1**, Yanofsky abstaining.

### **Discussion of work requirements with LandTech's Project Engineer**

Mark Sleger, P.E., the newly-hired Project Engineer for LandTech was present for an interview and discussion with the Board.

Hengeveld asked if he had worked for towns like Carlisle in the past. Sleger replied that in 12 years with Hayes Engineering in Wakefield, his work had been primarily in residential subdivision design, cluster development, and the like, including some work in Nantucket, but that most of this experience was from the developer's point of view. He said, however, that he did not expect much difference in working for a town, and was familiar with meeting the standards of local bylaws and regulations. He explained that he has been a registered P.E. in Massachusetts for seven years, and that he went into the environmental engineering field in 1990 because of the market and based on his graduate work.

Epstein suggested that the Board give Sleger an idea of the type of work product they expect. Colman told Sleger to assume that Board members all know next to nothing, and that he should suggest better ways of laying out a particular development proposal even if the existing plan meets all the Board's requirements. He also suggested that when Sleger schedules site visits, he notify the Board and the P.A. so that a member can accompany him. Finally, he mentioned that turnaround time for a project review is often short, and that Sleger and his firm will be expected to meet the Board's schedule.

### **Discussion of possible future actions regarding amendments to Conservation Cluster Bylaw**

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George Foote and Vivian Chaput were present for this discussion. Chaput asked the Board to consider what the next steps might be and to state any problems they might now see. Colman offered his perspective on how the bylaw might be amended, saying that if the proposal were to save just any open space parcel, it does not justify the bonus of an extra lot, but if there is significant open space to be preserved, then the bonus might have to be greater than just one lot. Foote replied that it is up to the Board to determine if there is a "granite duck" to be preserved, without such a "duck," there should be no cluster. Chaput added that developers agree that the bylaw doesn't work now to achieve its goals, and that there are several additional purposes laid out in the Study Plan that should be incorporated into Conservation Cluster special permits. She noted that the existing bylaw can give a bonus ranging from 17% to 100%.

Colman observed, however, that the revisions that had been proposed would provide no bonus for parcels of 10 acres or less, and therefore several clusters that have been approved could not have been granted under the proposed amendments. Foote disagreed, saying that the amendments reflect the SROSC bylaw standards. Chaput suggested that there is now sufficient time to rework these amendments. She promised to ask Bill McNary to prepare an illustration of the proposed amendments compared to the existing bylaw. She also said that she would like LaLiberte to be involved in the process, as he was in the Study Plan development. Noting that there are significant properties in town that may be eligible for cluster development, she stressed that this effort must not fall by the wayside.

Hengeveld agreed that she would like to see the effort to amend this bylaw continue, but that she will not be willing to go forward to Town Meeting until there is an articulate plan to present. She said she would like to see the revisions proposed to date in redline on one document. Foote agreed, suggesting a process with public involvement culminating in the required public hearing. Duscha asked whether flexible zoning proposals should be developed simultaneously. Foote suggested refining the cluster amendments first, getting them approved, and then going forward with other changes. Duscha said she was not as sure as some others that these amendments will be a "hard sell."

Yanofsky expressed her opinion that the decision made at the previous meeting not to proceed to spring Town Meeting was unfortunate, but with the sequence of steps in place, the Board should proceed with fall Town Meeting as its goal. Foote noted that zoning changes are not usual in the fall. Yanofsky replied that, having talked with the Town Administrator, she understands that the fall meeting may not be too busy, but added that, legally, it is still not too late to get on the spring agenda. Colman, however, reminded her that the decision of the Board had already been made and should not be reconsidered.

Duscha observed that members' energy levels seem to be low, perhaps explaining the reluctance to proceed now. But Epstein suggested that the more compelling reason for delay was that, at the last meeting members were given a black line draft and a tight

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deadline. Colman added that the two members of the subcommittee present then, Hengeveld and Duscha, agreed not to bring this forward then.

Chaput offered, for future reference, that changes in wording can always be offered at Town Meeting itself. But the present situation, she concluded, offers the time to prepare well for the amendments. However, she cautioned, action should be taken as soon as possible to prevent more large, "cookie-cutter" developments in Carlisle. Foote promised to get a draft of the proposed revisions, in red line, to the Board within two weeks. He also offered to keep working on flexible zoning proposals, and noted that McNary's illustrations would not be necessary until public meeting were scheduled, best left to the summer. Chaput underscored her determination to present these amendments at fall Town Meeting.

The meeting was adjourned at 11:00 pm.

Respectfully submitted,

George Mansfield  
Planning Administrator