



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES September 8, 1997

**PUBLIC HEARING: Amendments to Overlook Drive Common Driveway Special Permit (off Rutland Street), Les Bishop, applicant**

**DISCUSSION:**

- Request for endorsement of Pine Meadow Definitive Subdivision Plan
- Request for discussion of mechanism to secure performance guarantee for completion of Tall Pines Subdivision prior to release of last 10 lots from covenant (Costello)
- Consideration of proposing amendments to Rules and Regulations
- Request for release of balance of performance guarantee for Ice Pond Road Subdivision
- Notice of intent to remove land from Chapter 61A: 342 Maple St. (126 acres) by Thomas D. O'Rourke
- Request for warrant articles for Special Town Meeting, October 7, 1997

Chair Yanofsky called the meeting to order at 7:15 p.m.. Members Abend, Duscha, Epstein, Hengeveld, and Tice were present. LaLiberte joined the meeting at 7:30 p.m. Also present was Planning Administrator George Mansfield.

The **minutes** of the meeting of August 4, 1997 were reviewed and minor additions were made for clarification. Abend moved to accept the minutes as amended. Hengeveld seconded and the minutes were approved 5-0-1 with Tice abstaining and LaLiberte absent. Hengeveld moved to accept the minutes of February 10, 1997. Duscha seconded and the minutes were approved 4-0-2 with Tice and Abend abstaining and LaLiberte absent.

Hengeveld moved to accept the minutes of Special Meeting, February 19, 1997. Duscha seconded and the minutes were approved 3-0-3 with Abend, Epstein and Tice abstaining and LaLiberte absent. The minutes of Special Meeting, March 4, 1997 were reviewed and Duscha suggested that more detail should be added. No vote was taken. Tice moved to accept the minutes of March 10, 1997. Duscha seconded and the minutes were accepted 5-0-2 with Duscha and Abend abstaining. (LaLiberte voting also).

**PUBLIC HEARING: Amendments to Overlook Drive Common Driveway Special Permit (off Rutland Street), Les Bishop, applicant**

Present for the Public Hearing were Kathleen Coyle and Maya Liteplo (Mosquito), Les Bishop, Dennis LaBombard, Timothy Woodward, Jon Fay, Duncan Grant, Andrea and Rudy Bunde, Mariellen Perugini, Eunice Knight and John Bakewell.

Dennis LaBombard presented his plans and explained the changes that were made. Epstein asked what the total length of the drive is now. LaBombard replied that it is 937 ft. from Rutland St. to the end of the cul-de-sac. Yanofsky asked the dimensions of the drainage pipe, to which LaBombard responded that it was a 12" concrete pipe. Yanofsky asked if the homeowners' agreement needs to be revised in terms of a maintenance agreement. Timothy Woodward explained that he had prepared the original easement contract and it is written in general terms so that these changes should not affect the agreement. Yanofsky asked if a name could be shown on the plan. LaBombard agreed to add the name "Overlook Drive" to the plan. Les Bishop pointed out that the type of guardrail had not been specified. He thought steel would be stronger and since the guardrails are not near any houses aesthetics would not be so important. In speaking with residents, however, he discovered that they seem to prefer wooden guardrails. Epstein asked who would be responsible for maintaining the sedimentation basins. Bishop replied that they are only temporary for use during construction. Only the lower basin would require maintenance. Woodward said that Category A of the easement contract addresses this issue in general terms. Epstein wants to be sure the Town will not be required to pick up the maintenance of this basin. Woodward explained that this is a private drive owned by four lot owners, who will share all the responsibility. Yanofsky asked when the work would be finished. Bishop responded that it would be completed this fall.

John Fay of 89 Overlook Drive, Lot D, said that he would prefer wooden guardrails because he understands they are easier to repair. He also pointed out that the last turn of the drive, approaching the circle, is blind and people tend to cut off the corner to avoid potential oncoming traffic. He suggested widening this curve. LaBombard said that he has widened it from 12 ft. to 15 ft. and paved the outside of the curve wider to improve the turning radius. Mansfield asked if the extra 3 ft. are noted on the plan. LaBombard said it was drawn in. Yanofsky asked that a notation be made on the plan to clarify this, which LaBombard agreed to.

Epstein expressed continued concern over the driveway easement and to see the lines on the plan. When it was determined that the detention basin actually fell outside of the easement, Woodward agreed to change the wording in the Common Drive Easement Agreement to include the detention basin in the easement.

LaLiberte moved to close the hearing. Abend seconded. The motion was approved 6-1-0 with Duscha opposed. Yanofsky noted that there were three issues to be dealt with: 1) widening the pavement by 3 ft. at the curve; 2) adding the name of the drive and 3) amending the easement agreement.

Abend moved to approve the amendments subject to listing on the plan the name of "Overlook Drive" as well as noting the widening of the pavement from station 7+50 to 8+75 and amending the Common Driveway Easement and Covenant. Hengeveld seconded. Approved 7-0.

#### **Request for endorsement of Pine Meadow Definitive Subdivision Plan**

William Costello was present for this discussion and member Abend was recused.

Costello suggested putting the date of the covenant on the plan. Yanofsky asked about the trail easement. Costello explained that all documents had been revised per Town Counsel's request. Yanofsky asked how the easement is recorded. She wondered if the plan had a reference to the covenant document, noting the trail easements. Epstein suggested that on page 2, section 2 of the covenant the words "recorded herewith" could be added. Costello wanted to know when the plan would be endorsed. Mansfield said he has received the mylars and approval from LandTech. This plan will be presented for endorsement at the next PB meeting.

Yanofsky said she had heard that there may have been a problem with Lot 18 and wondered if there might have been a surveying error. Costello was not aware of this and asked for more information.

#### **Request for discussion of mechanism to secure performance guarantee for completion of Tall Pines Subdivision prior to release of last 10 lots from covenant (Costello)**

Hengeveld was recused from this discussion.

Costello said that Gallogly and Judith Cutler will work together to draft the proposed covenant. Epstein asked for an estimate of the amount of work remaining. Costello

estimated it to be \$269,000. Epstein suggested adding wording stating that in no event shall the amount go below that required to complete the project. Epstein and LaLiberte, Mansfield and Yanofsky each suggested revisions to the proposed covenant. The revisions will be reviewed at the next meeting.

**Request for release of balance of performance guarantee for Ice Pond Road Subdivision**

Andrea and Rudy Bunde were present for this discussion. The applicant, Brian Hebb, was not present. LaLiberte was recused.

The Board wanted to ask Hebb for a bank check for \$3000 for the trees in lieu of planting. If Hebb does not wish to do this, then the Board must write a legal contract withholding the amount from the covenant. Yanofsky agreed to contact Judith Cutler to obtain a written document stating why the subdivision is not complete. Mansfield will send a copy of the tree plan along with the minutes of September 25, 1995 to Cutler.

**Duscha moved to ask Yanofsky to forward information to Cutler and request reasons why the money has been denied.** Yanofsky seconded. Mansfield pointed out that if Hebb pays the \$3000 this issue is easily resolved, but there are other outstanding issues. Duscha withdrew her motion.

The new issues are related to the security account and the trees. The Town Accountant would prefer to have a separate check. Mansfield said that Hebb feels the Town already had his money and is unwilling to pay more. Yanofsky said that if Hebb feels this way, then the Board needs to obtain a notarized document allowing it to withhold \$3000 from the security deposit. Abend asked how much money is still in the account. Mansfield said there is \$14,000 plus interest. Epstein asked what Town Counsel recommended. Abend asked if the Board was willing to return the security deposit if Hebb pays the \$3000. Mansfield referred to the statute. Yanofsky noted that there are some things that still need to be discussed with Hebb.

**Abend moved to send a letter to Brian Hebb indicating that the subdivision is not complete because of a commitment referencing the notes of September 25, 1995 and indicating he was to contribute \$3000 in lieu of tree planting, and since that contribution has not been made, his commitment has not been completed regarding the subdivision, and that if we get a letter from Town Counsel to attach to that, then we should, but otherwise we should send that letter.** Duscha seconded.

Mansfield noted that the minutes of September 25, 1995 say "to be donated from the security account."

Andrea Bunde of 109 Aberdeen Drive said that Hebb has promised to pave Aberdeen Drive in August and it has not been done. He claimed to be waiting for the release of his security deposit. Yanofsky asked Mansfield if the Board has an as-built plan that might help the Bundes. Mansfield told the Bundes that the Board had released \$55,000 to Hebb on July 25, 1997.

The motion on the table was approved 6-0-1 with LaLiberte recused.

**Preparation for Selectmen's public hearing on assignment of 570 West St. (Pannell)**

Yanofsky said that she could not attend the Selectmen's meeting regarding this issue and asked if a letter would be sufficient testimony. The Board agreed that it would be better to send Mansfield to represent the Planning Board. He agreed to attend if necessary.

**Notice of intent to remove land from Chapter 61A: 342 Maple St. (126 acres) by Thomas D. O'Rourke**

Greg Peterson and Eunice Knight were present to represent the Carlisle Conservation Foundation (CCF). Peterson said that on August 18, 1997, the O'Rourke family gave notice to the Town that there were P&S agreements for 126 acres of their property. The Town has 120 days to exercise its right of first refusal on this property. The CCF is asking the PB to urge the Town to purchase the land or to have the Selectmen transfer the right of purchase to the CCF. They would like to put this before Town Meeting in October or November. A Special Town Meeting is required to close on the Sachs land by December 31, 1997.

Peterson proceeded to show the plans of the O'Rourke land and explain its attributes. This land would connect approximately 240 acres at the Greenough property and approximately 175 acres at Great Meadows and Foss Farm. The Trails Comm. has wanted to connect these properties because the old trail is washed out. This is also a high output aquifer. There appear to be deep sand layers on this property. The Town has ranked this property as #1 (critical) priority for open space. It would cost \$1.8 million. Yanofsky asked to see the P&S to see how they proposed to place 10 lots. She also asked if this purchase would resolve the problem of town access to the barn. No one was sure of the answer. Yanofsky then asked if Great Meadows had been contacted. Peterson said that they had been notified and would like to acquire this land, but they have no funding available. Yanofsky asked if the CCF is interested in purchasing the land. Peterson replied that they would first like to urge the Town to purchase it and if this doesn't pass then the CCF will ask the Town to either work with them or to transfer the right to purchase to CCF. Yanofsky asked if any testing had been done on the property and Peterson replied that he was not aware of any. Knight noted that the next CCF board

meeting will be held on September 17, 1997 at which time the board will vote on this item. There are currently many properties coming out of Chapter 61A and there is not enough money to purchase them all. This land became available on August 18th and the Town's last day to exercise its right to buy is December 16th. The actual purchase of 6 acres should be completed by no later than the end of the 120 day period, with the remaining being purchased by July 1, 1998.

Abend suggested that a strong argument be made to view this land as a potential site for recreation fields. These could even be located on the flood plain. Yanofsky noted that the Town is looking at this land as an aquifer and field maintenance may interfere with this. Peterson assured her that it is possible to maintain fields with very little fertilizer. Duscha said she was interested in this land for potential trails. Epstein noted that if the option to buy were given to CCF there would still be a question of being able to raise \$1.8 million for the purchase. Yanofsky thought the Town and CCF might split the option. Peterson said both deals would have to be tied together, although keeping one owner would be better since the existing lot lines may not be ideal. Knight again noted that the CCF is overwhelmed with the many parcels coming out of Chapter 61A. She also said she has been talking with Tony Mariano and he believes the water testing on this property has been inferential. Actual tests would cost upwards of \$6000. Abend noted that many parcels are best left undeveloped, but in this case there is potential to develop parts and use the revenue to purchase other land. Yanofsky referred to the Cons. Com. list of top priority parcels and noted that the Sorli property may soon become available and it is of higher priority. Peterson responded that they need to consider a sustained program of acquisition while there is time. They need to consider the benefits of a major bonded debt. Yanofsky suggested that waiting until the land comes out of Chapter 61A allows the price tag to go up. The PB might be able to help by setting up bylaws such that the land owners have options to deed their properties to the Town. Knight asked that the PB recommend the Town purchase this land.

Epstein asked how the CCF feels about the proposed Open Space Neighborhood zoning, since the PB is seeking the support of the land use boards. Peterson noted that the language was too complicated. Some people prefer more control and some prefer less. They would give comment on it when they saw how it was reworked. Yanofsky said the board has not spent much time reworking the bylaw because it has gotten very little feedback. Peterson noted that this would be a worthwhile discussion to have with the two boards. Knight recommended more visual publicity.

**Abend moved to recommend to the Selectmen that the Town exercise its right under Chapter 61A, to purchase this property and to direct the PA to write a letter to that effect noting the aquifer, trail linkage to national and local conservation areas, wildlife corridor, flyway and opportunity for passive and active recreation. Tice seconded. Approved 7-0.**

**Malcolm Meadows S.R.O.S.C.: Request for Planning Board endorsement of signed Master Deed**

Mansfield explained the deed and the procedure for approval.

LaLiberte moved to approve according to form. Tice seconded. The motion was approved 6-0-1 with Abend abstaining.

**ANR Plan: South side of Acton St. at Carlisle/Acton town line, Steven Cote, applicant**

Abend moved to accept the plan dated July 17, 1997. Tice seconded the motion and it was approved 7-0.

**ANR Plan: 33 Red Pine Drive, Edgar Miller and Patricia Kilfoyle, applicants**

Duscha moved to accept the plan. Hengeveld seconded the motion and it was approved 7-0.

**ANR Plan: 547 Westford Rd., Ross and Joan Peterson, applicants**

Duscha moved to accept the plan. Hengeveld seconded the motion and it was approved 7-0.

**ANR Plan: Lot 18, Kimball Rd. (Tall Pines), David and Kristy Erickson and William Costello Realty Trust, applicants**

Hengeveld was recused from this discussion.

Duscha moved to accept the plan. Tice seconded the motion and it was approved 6-0-1 with Hengeveld recused.

**Request for warrant articles for Special Town Meeting, October 7, 1997**

Mansfield said that he asked the Selectmen to reserve space on the Town Warrant for 4 items. Epstein proposed to narrow the issues to Open Space as opposed to all the issues noting that they would need to win the Selectmen's support this fall. Timing and PB

resources are key. Mansfield noted that if the TM is held after October 9th, another public hearing will be required. The board agreed to withdraw the items from the warrant for Fall TM. Abend said that he had not been very impressed by the presentation made by Brobrowski.

### Consideration of proposing amendments to Rules and Regulations

Epstein said he would like written comments, preferably on the clean copy, returned to him by Friday. He also said that LandTech will review the Design Standards and Mansfield will contact them to get an estimate. Tice will determine a dollar amount not to be exceeded. Judith Cutler has given some good suggestions and will also review this document. Rich Colman has decided not to participate on this subcommittee. Mansfield will post the notice for the public hearing. The rules will be effective as of the actual vote for approval. Any plans submitted after that time will be required to conform to the revised Rules and Regs. The Public Hearing will be held during the next PB meeting on September 29, 1997.

Tice moved to adjourn. Duscha seconded. Meeting adjourned at 11:15 p.m.

Respectfully submitted,



Anja M. Stam  
Recording Secretary