Town of Carlisle
MASSACHUSETTS 01741

Office of
PLANNING BOARD

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MINUTES
September 29, 1997

Request for release of balance of performance guarantee for Ice Pond Road subdivision
Request for discussion and approval of mechanism to secure performance guarantee for completion of Tall Pines subdivision prior to release of last ten lots from covenant
ANR Plan: 737 Lowell Road, John Bonenfant, applicant
Review of qualifications submitted for Engineering Consulting Services
Review of policies and fees for reproduction of record documents and audiotapes
PUBLIC HEARING: Proposed amendments to the Rules and Regulations Governing the Subdivision of Land

Chair Yanofsky called the meeting to order at 7:15 p.m.. Abend, Duscha, Tice, and Yanofsky were present. LaLiberte and Epstein arrived later and Hengeveld was absent. Also present were Planning Administrator George Mansfield and Kathleen Coyle of *The Mosquito*.

Request for release of balance of performance guarantee for Ice Pond Road subdivision

Present for this discussion was Brian Hebb. Hebb explained that he is in agreement with the Board regarding the $3000 he owes in lieu of tree planting and the $2205 reimbursement of legal fees related to the suit brought by Carl Hanscom. He has also paid

the outstanding LandTech bills which was confirmed by the PA. Hebb did dispute the prior engineering review fees, however, saying that he never agreed to reimburse these to the PB. Mansfield noted that the only document to make mention of this was a notation to the bills dated May 21, 1993 for expenses incurred in April 1993. The notation said "This bill comes from Ice Pond Bond." Yanofsky stated that there is a balance of $1280 for engineering costs incurred after Hebb took ownership of the property. She went on to say that since the Board has no documentation of an agreement other than a LandTech estimate dated May 28, 1993, which was to be part of the bond, it appears that the Board will have to absorb this cost. Mansfield noted that the problem stemmed from the fact that there was no project review fee. Yanofsky recalled that engineering and inspection costs were to be included in the bond, but regretted the lack of documentation. Hebb agreed to pay the $1280 and it was determined that Hebb owes the Town a total of $6695. Since the money will be distributed into different accounts, Mansfield asked for two bank checks, both made out to the Town of Carlisle, in the amounts of $3000 and $3695. Hebb agreed to submit the checks this week.

Abend **moved to release all the remaining funds in the security account for Ice Pond Subdivision, upon receipt of a $3000 bank check made payable to the Town of Carlisle, as a gift to be used for surveying, marking and otherwise improving the trail adjacent to the Aberdeen Drive common drive and a $3695 bank check made payable to the Town of Carlisle to address previously incurred legal and engineering fees.** Tice seconded the motion and it was approved 4-0.

LaLiberte arrived at 7:30, and was recused from this discussion.

Request for discussion and approval of mechanism to secure performance guarantee for completion of Tall Pines subdivision prior to release of last ten lots from covenant

Present for this discussion were William Costello and his attorney Richard Gallogly. Gallogly presented a signed, revised tri-party performance guarantee as well as a request for the release of the last ten lots. LaLiberte asked Costello if he was aware of the petition signed by Hutchins and Kimball Road residents asking the developer to install caution signs and repair potholes. Costello replied that he had not seen it and reviewed the petition then. Mansfield also said that the Cons. Com. administrator had left him a note that afternoon asking the PB, on behalf of Tricia Smith, if Cons. Com. could submit a status report prior to releasing the lots. It was not clear what Smith's concerns were, but they did not seem to be Planning Board issues. Gallogly suggested that she bring her concerns to the DEP. Regarding the signs requested in the petition, Costello agreed to install them if the DPW provided the signs. He will work with the PA and Gary Davis to resolve this issue. He also agreed to fix the potholes before the winter.

Yanofsky then asked how and when Lot 10 would be released to the Town. Gallogly explained that this would be done after the DEP signs the compliance report. Mansfield clarified this, stating that it would be released 60 days following the issuance of both a Lot Release and the DEP compliance report. Costello noted that this could take another 18 months since the DEP will want to review a complete growth season. Yanofsky wanted to be assured that Lot 10 would eventually be turned over to the Town and not forgotten. (member Epstein arrived at 7:55 p.m.) Gallogly suggested the addition of a statement at the end of the agreement referring to the Town's right to purchase Lot 10. He will draft this notation and fax it to the PA. LaLiberte **moved that the Board vote to approve the release of lots 9, 10, 11, 14, 20 and 21 as shown on the subdivision plan entitled "Tall Pines, Plan of Land in Carlisle, Massachusetts," dated February 23, 1990, as amended December 17, 1994, prepared by Stamski and McNary, Inc., and recorded with said Deeds in Plans Book 187, Plan 80, and the lots numbered 1, 3A, 28A, 28B, 29A, 30A, 39, C-4A and Parcel D as shown on the subdivision plan entitled "Plan of Land in Carlisle, Mass.," dated September 25, 1995, prepared by Stamski and McNary, Inc., and recorded with said Deeds in Plan Book 190, Page 13, subject to addition of language to the "Certificate of Performance and Lot Release" reflecting that Lot 10 is subject to a purchase and sale agreement in favor of the Town of Carlisle.** Abend seconded the motion and it was approved 6-0.

LaLiberte also moved **that the Board authorize the endorsement of the tri-party agreement.** Tice seconded this motion and it was approved 6-0.

Costello and Gallogly then asked if they could appear at the Board's next meeting regarding endorsement of Pine Meadow Definitive Subdivision Plan. It was agreed that they could be heard on October 15 at 7:15 p.m.

ANR Plan: 737 Lowell Road, John Bonenfant, applicant

Yanofsky was recused from this discussion. Mansfield explained that the purpose of this ANR plan was to facilitate a land swap giving Lot 1 enough land to install a septic system. Tice **moved to approve the ANR Plan dated July 20, 1997.** Abend seconded the motion and the ANR Plan was approved 5-0-1 with Yanofsky recused.

Review of qualifications submitted for Engineering Consulting Services

Yanofsky noted that the Board had received qualifications from five engineering consulting firms and asked if the Board should begin scheduling interviews. Tice asked if members had prioritized or eliminated any firm from their list of preferences. It was agreed that at least four firms should be interviewed, and LandTech would be considered after the others had made their presentations. Abend and Tice agreed to contact the firms

and schedule two interviews on October 15th. Each firm would be asked to give a "low-tech" presentation lasting no more than 10 minutes and allow the Board 20 minutes for questions.

Review of policies and fees for reproduction of record documents and audiotapes

Mansfield explained that at a general Town Staff meeting it was agreed that copies of documents would be made at 25 cents per page. The Board of Health has established a policy in which they provide copies at 25 cents per page and any job of more than 30 pages would require an additional payment of at least one hour staff time based on the lowest salary in the office. The PB agreed to adopt this policy also. The PA has also received requests for tapes and noted that they are considered public record if they exist, but the Board is not required to keep them. He made inquiries at Blue Jay Studios in Carlisle and they agreed to make copies at $30 per hour plus the cost of the tape. Yanofsky said the Board should write up a formal policy mimicking that of the BOH. Epstein noted that if oversized plans need to be copied as well, this should be an additional fee. Abend **moved to proceed as discussed above.** Tice seconded the motion and it was approved 6-0.

Minutes

Minutes for the meetings of 9/8/97, 3/24/97, 4/14/97, 4/28/97 and 5/12/97 had been presented for review by the Board. Tice **moved to accept the minutes of September 8, 1997 as written.** Abend seconded the motion and it was approved 4-0-2 (Duscha and Epstein abstaining). LaLiberte **moved to accept the minutes of March 24, 1997 as written.** Duscha seconded the motion and it was approved 2-0-4 (Abend, Duscha, Epstein and Tice abstaining). The Board agreed to vote on the remaining minutes at the next meeting to give members more time to review them.

PUBLIC HEARING: Proposed amendments to the Rules and Regulations Governing the Subdivision of Land

Present for this public hearing were Kathleen Coyle of *The Mosquito*, George and Brigitte Senkler of Curve St., David Kelch of Oak Knoll Rd., and Ferris Taylor of Hemlock Hill Rd.

Epstein presented the revised Rules and Regulations and outlined the changes that were made and gave background as to the purpose of the proposed changes. Abend explained that while this is a major revision, it should also be considered a first step toward further updates.

David Kelch said that he had only been able to read through them once and noticed things were made more specific. He noted that on page 16, Sec.6.B.1.g., no mention was made of vernal pools. Epstein explained that these would be included in Sec. 6.B.1.l. regarding wetlands. Kelch also said that trees are often lost before actual construction, during the testing phase, and wished something could be added to protect them. Yanofsky noted that the testing is done before the PB has control over the area and is actually a Board of Health issue. Kelch then referred to page 39 regarding Dead-end Streets and asked for the reasoning behind the change from a 1000 ft. to a 500 ft. limit on cul-de-sacs. He also wished for tighter restrictions on blasting. Epstein responded to the blasting issue saying that the Board would like to look into this matter further, but currently it is unclear whether the Planning Board actually has jurisdiction. Yanofsky explained that limiting cul-de-sacs to 500 feet is safer from a police and fire viewpoint. George Senkler thought that a 1000 ft. dead-end street may be better than a loop road and expressed concern that people with larger tracts of land may be forced to overdevelop. He asked the Board to explain what it was trying to achieve with this regulation. Epstein said that this rule is based on safety and encourages a 300 ft. buffer zone, bringing conservation land closer to the right of way. Senkler then referred to page 40, Sec.2.D(4)., and asked why the Board was limiting access at the end of a cul-de-sac to only three homes. Epstein said that this was written to discourage multiple cuts in the cul-de-sac curb which may be detrimental to emergency vehicle access.

Ferris Taylor asked when these Rules and Regulations would be adopted. Epstein explained that the Board is hoping to approve them tonight. Taylor then voiced his concern over the 500 ft. limit on cul-de-sacs and said that in some situations it would be too restrictive. Yanofsky agreed, but added that the Board hopes to encourage discussion between itself and the developer. Taylor then referred to page 40, Sec.2.D(4)., and asked if the phrase "No more than three homes. . ." was actually correct. Epstein agreed that this should read "No more than three Lots. . ." Taylor also expressed concern over limiting the number of cuts, fill, blasting, etc. Epstein agreed that the Board would consider these issues in the future. Mansfield explained that this public hearing was to review the proposed changes, and further changes would require additional public hearings. Epstein further explained that the purpose of these revisions was to bring the outdated Rules and Regulations up-to-date.

Brigitte Senkler also expressed concern over the 500 ft. limit on dead-end streets and said that developers do not like obtaining waivers and they also want to maximize their profits.

Epstein told the Board that Chief Koning wants the PB to formally adopt the specifications regarding fire cistern protection since the Rules and Regs. refer to these. Yanofsky asked members to review the fee schedule and decide if it gives developers the incentive to approach the Board earlier for discussion.

Abend **moved to close the public hearing.** LaLiberte seconded the motion and it was approved 6-0.

Epstein **moved that the Board adopt the revised Carlisle Rules and Regulations governing the Subdivision of Land dated January 23, 1989, last revised on September 29, 1997 as amended including Art.III Sec.2.A(1) on page 35, change the reference from "fifteen (15)" both in words and numbers to "ten (10)" both in words and numbers, and also on page 35, Art.III Sec.2.A(2) change the reference from "15" to "10", and on page 39, Art.III Sec.2.D(1), change "Article I" to "Article II", and page 40, Art.III Sec.2.D(4), change "homes" to "Lots", including all exhibits referenced in the Rules and Regulations, specifically incorporating by reference exhibits A, B and D, which are the current forms of submission requirements for ANRs, Preliminary Plans, and Definitive Plans, which have not changed from current forms, and including exhibit C which sets forth the parameters of the Development Impact Report which will be required in connection with definitive subdivision plan contents as referenced in the Rules and Regulations, and also specifically incorporating by reference "Specifications and Requirements for Fire Protection Cisterns" dated October 1996, which is referenced in the Rules and Regulations in Art.III Sec.4.** Tice seconded the motion and it was approved 6-0.

Mansfield said that the amendments must be certified by the Town Clerk and they are effective immediately. He also suggested that any further comments from the public should be given to him in memo form. Epstein recommended that the final draft be given to the engineers.

Regarding **budget** items, Mansfield circulated the bills and explained the expense of the cart for transporting the files. This expense was approved by Teresa DeBenedictus before she left her position as Town Administrator. The Building Committee has now refused to pay this bill. The bill also includes a shipping charge of $104 which was not anticipated. The cart is to be used by the PB, Cons. Com. and the BOH. Cons. Com. has already agreed to pay 1/3 of the bill. (Board members subsequently signed this invoice.)

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

Respectfully submitted,

Anja M. Stam

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Recording Secretary