



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(508) 369-9702

MINUTES

October 15, 1997

PUBLIC HEARING: Accessory Apartment Special Permit, 136 Acton Street, David Ziehler, applicant

ANR PLAN: Baldwin Road, Jonathan Sachs, applicant

DISCUSSION:

- Request for endorsement of Pine Meadow Definitive Subdivision Plan
- Discussion of "informal conceptual plan" for subdivision of land at 342 Maple St., as per Rules and Regs., Art. II, Sec. 5.A(3) (M. Fortin & W. Lanciloti)
- Review of landscape plan and planting schedule for Malcolm Meadows S.R.O.S.C.
- Scheduling of special meeting for comment on amendments to Subdivision Rules and Regs. (future date to be determined)

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

The minutes of the meeting of April 14, 1997 were reviewed and minor corrections and clarifications were made. Tice moved to accept the minutes as amended. LaLiberte seconded and the minutes were approved 3-0-2, Hengeveld and Abend abstaining since they were not present at that meeting.

Request for endorsement of Pine Meadow Definitive Subdivision Plan

Member Abend was recused from this discussion. William Costello presented the revised covenant noting the change made on page two per the Planning Board's request.

LaLiberte moved that the Planning Board endorse the Definitive Subdivision Plan for Pine Meadow dated January 17, 1997, last revision September 3, 1997, and stamped by Joseph March as a registered professional land surveyor, the applicant being William Costello, and accept the covenant dated September 29, 1997 along with the drainage and utility easement dated September 22, 1997, and fire protection cistern easement of the same date. Epstein seconded the motion and it was approved 4-0-1 with Abend recused.

Costello noted that the 10,000 gallon fire cistern will now be 20,000 gallons. Mansfield informed the Board that LandTech had reviewed the mylars and approved the changes. Costello will have the Selectmen sign the covenant and the easements, returning them to the PB within a week and a half.

PUBLIC HEARING: Accessory Apartment Special Permit, 136 Acton Street, David Ziehler, applicant

The applicant, David Ziehler was present for the Public Hearing, which was opened by acting chair Hengeveld at 7:43 p.m.

Mansfield showed the plans and noted that they have been available in the Town Clerk's office for review for two weeks. The apartment will be added to a house, currently under construction, and the entrance to this apartment will be on the side of the house. Ziehler explained the plans and said that the septic for the house was designed to accommodate the apartment also. Hengeveld asked the size of the apartment. Ziehler said it was originally designed to be an open room above the garage and would now be made into an efficiency apartment. Tice asked if plans had been made for additional parking. Ziehler showed that the driveway could simply be widened near the garage. Tice noted that this would extend the drive into the wetlands buffer zone and may need Cons. Com. approval. Mansfield asked if Ziehler had received an order of conditions from Cons. Com. based on this plan. Ziehler replied that he had. Epstein asked if Ziehler would be occupying the main house and he responded in the affirmative. When asked who would occupy the apartment, Ziehler replied that in the short term he plans to rent it out, but in the long term he plans to have his parents live there. Epstein asked if he had made any provisions for low to moderate income housing, but Ziehler was not familiar with the process. Hengeveld referred to the Rules and Regs. governing accessory apartments and reviewed each item to determine whether the proposed apartment conforms to them. Her only concern was that of the parking area in the buffer zone. Ziehler explained that the current

drive is sand and gravel and doesn't need paving. Tree and brush removal is not an issue either since the area is already cleared.

Abend moved to close the public hearing. The board approved 5-0.

Mansfield noted that if the property is sold, the special permit is not transferred. He also noted that there are no plans for the PB record to indicate the extended drive. Abend preferred to see a plan with the parking shown.

LaLiberte moved to approve the special permit for David Ziehler for an accessory apartment, subject to submission of a revision to the site plan dated May 9, 1997 showing annotations as to where the extension to the drive will be, as well as additional parking, provided that the structure is as is depicted upon a certain plot plan dated September 15, 1997 by Stamski and McNary, Inc. for David Ziehler for Lot 15, assessor's map 18, parcel 19, as well as a Plan by Donald Gardner Architect, Inc., design number 235-A dated November 21, 1995 effective March 1, 1996. The motion was made upon finding the proposed accessory apartment in compliance with regulations governing accessory apartments as set forth in the Zoning Bylaws Sec. 5.6.5. Tice seconded the motion and it was approved 5-0.

Discussion of "informal conceptual plan" for subdivision of land at 342 Maple St., as per Rules and Regs., Art. II, Sec. 5.A(3) (M. Fortin & W. Lanciloti)

Present for this discussion were the potential purchasers of the property, Mr. Marcel Fortin and Mr. William Lanciloti along Mr. George Dimakarakos of Stamski and McNary and current landowner Tom O'Rourke. Also present were Kathy Rubenstein of Nickles Ln., John Bakewell of Concord Rd., Luisa Heard of Maple St., Dave Kelch of Oak Knoll Rd., Eunice Knight and Ron O'Reilly of Bedford Rd., Tom Sampson of Hadley, MA, Beverly Guyer of Acton Rd.

LaLiberte explained that on October 14, 1997 three members of the Board and the PA met with the landowners, Mr. and Mrs. O'Rourke and their attorney, Robert Levite, as well as the potential purchasers of the land, Fortin and Lanciloti. As a result of this meeting, Fortin and Lanciloti are now presenting an "informal conceptual plan" to the Board for discussion. LaLiberte also mentioned for public record that his firm had represented Mr. Fortin in the past, but this does not present a conflict of interest because Mr. Fortin is no longer a client of the firm.

Dimakarakos explained the planning process noting that the proposed land included approximately 46 acres of uplands. He first showed the plan developed under the old regulations with six standard lots and six pork chop lots. No waivers would have been required for this plan. Next he showed a plan still designed under the old regs. with 13

lots. This plan would offer the remaining land in the flood plain to the Town. This plan would need waivers. Not all the land in the flood plain is wetlands and much of it would be suitable for playing fields and as a source of Town water. Epstein asked if the land was going to be given to the Town. Dimakarakos explained that this was to be a bargaining chip and they would also offer a set-back from Maple St. Hengeveld asked if any trails cross the property. Fortin said there are some, but not in the area of potential development.

Dimakarakos then showed the plan reflecting the new Rules and Regulations. The engineers wanted some clarification of the new Rules and Regs., specifically regarding street offsets. It wasn't clear to them if the 600 ft. minimum distance between intersections was for four-way intersections only, or any for any street entering the roadway. The Board explained that the latter was true, and Dimakarakos said that the last plan would then need a waiver since the two streets were only approx. 250 ft. apart. This configuration would give them 12 lots. Dimakarakos then asked for clarification regarding the dimensions of the cul-de-sac turnaround and the number of lots to be accessed from it. The Board noticed that this required more explanation and Hengeveld suggested that this issue should be clarified in the Rules and Regs. Mansfield suggested that a diagram in the Rules and Regs. might help illustrate the Board's intent. Abend explained that the purpose of this regulation was to prevent excessive cutting. Epstein noted that this will likely need to be revised. Dimakarakos went on to ask about the regulations regarding removal of trees and wondered if each tree would need to be measured and a waiver required if it exceeded the stated dimensions. The Board explained that it would make a determination on the developer's attempt to preserve trees, but would not prevent development due to many large trees on the property. In reviewing the last conceptual plan presented, Abend stated that he would prefer to waive the length of the cul-de-sac rather than allow a secondary access. Other board members showed agreement.

Fortin explained that if he were only able to get 10 lots, he might need additional land to make larger lots in order to compensate for losses from fewer lots. Abend thought that a cul-de-sac of 1000 ft. might also provide access to the public land. Dimakarakos and the Board then discussed the possibility of extending the road to 1500 ft. and allowing access to ball fields. Mansfield asked about the site distances at this access point on Maple St., and Dimakarakos stated that they were good. LaLiberte asked if the Town could be given a buffer of 150 ft. if the cul-de-sac is extended. This idea was discussed further while studying the plans and looking at various possibilities.

Hengeveld then opened the discussion to the public. Kathy Coyle expressed concern over increased traffic along Maple St. with the Pine Meadow subdivision and the potential playing fields. She also noted that Pages Brook goes through Pine Meadow and possibly through this land also. Epstein asked Dimakarakos if the cul-de-sac were only 500 ft., how many lots could be obtained. He replied that he would guess only half. Epstein then

asked if a waiver were granted for a 1000 ft. cul-de-sac, could a buffer be provided. Dimakarakos said it seemed likely and he would look into it. Epstein then asked the landowner if he would consider giving the land and a buffer to the town if only 12 lots could be developed, instead of 13. Fortin agreed that this was a possibility. Dimakarakos agreed to bring another plan incorporating the Board's recommendations to a subsequent meeting and at that point they could assess waivers that might be needed. The cul-de-sac would follow the same route as the current path known as Piggery Lane. Mansfield noted that the fire chief will eventually need to approve this plan as well. Both the Board and the applicant agreed that this discussion of the informal conceptual plan was very helpful and productive.

ANR PLAN: Baldwin Road, Jonathan Sachs, applicant

Mansfield displayed the plan while Alex Parra, speaking for the Cons. Com., explained that this ANR was necessary for the Town's acquisition of Sachs' Greenway. Cons. Com. has requested a waiver of the \$45 application fee in the public interest. Abend moved to waive the fee. LaLiberte seconded and this motion carried 5-0. Epstein moved to endorse the ANR Plan of land in Carlisle, Massachusetts, dated September 29, 1997, prepared by Stamski and McNary, being a Subdivision of Lots 3-8, land court case # 11020. Abend seconded the motion and it carried 5-0.

Review of landscape plan and planting schedule for Malcolm Meadows S.R.O.S.C.

Developer Ron Peabody was not present for this discussion. Mansfield explained the plan and discussed observations made during a recent site walk with Peabody's contractor and the Conservation Administrator. Tice also visited the site with the PA. The main concern is that the cistern has been moved from the circle to another area and two smaller ones have been replaced by one larger one. Bob Koning, the fire chief, made this request because he was concerned his trucks would not be able to turn around at the planned location. The current location is now close to abutters and the flashing lights on the cistern outlet are disturbing them. The contractor has asked to retain the natural vegetation and cut back only the brush necessary to create sight lines. If plantings are still required, he would like to have them done this season. Epstein noted that many abutters were present at the public hearing and they were only satisfied after the landscape architect's renderings. He would not wish to grant an amendment to the special permit without a public hearing. Mansfield stated that a public hearing was in fact necessary. Hengeveld noted that there was actually a group of neighbors who worked with the landscape architect to develop an acceptable plan. Mansfield said that he will let the contractor know that the Board feels the trees should be left, but an official amendment will be needed at a public hearing. Tice agreed to review a letter to the contractor drafted by Mansfield.

Eunice Knight of the Carlisle Conservation Foundation (CCF) returned to the meeting a few minutes later and the Board explained the changes to her and discussed the effect that changes in the landscape plan might have on CCF trail easements on this property.

Minutes

The minutes of September 29, 1997 were reviewed and minor corrections made. Tice **moved to accept the minutes.** Abend seconded the motion and the minutes were approved 4-0-1 with Hengeveld abstaining.

The minutes of May 12, 1997 were also reviewed with minor corrections made. Epstein **moved to accept the minutes** with Abend seconding. They were approved 5-0.

The minutes of April 28, 1997 were reviewed with minor corrections and Tice **moved to approve the minutes.** Hengeveld seconded. The minutes were approved 2-0-3 with Epstein, Abend and LaLiberte abstaining.

Scheduling of special meeting for comment on amendments to Subdivision Rules and Regs.

Mansfield reported that Yanofsky suggested Town Counsel Judith Cutler be present and that November 12th or 13th would be most convenient for Cutler. Epstein clarified the purpose of this meeting stating that it would be an opportunity for the Townspeople to ask questions about the new Rules and Regulations and for the Board to address concerns. He suggested it might be called an "Open Forum." Mansfield noted that two developers are already scheduled to come before the Board with preliminary plans at the next meeting to discuss conceptual plans as provided for in the new regulations.

John Bakewell of 88 Concord Rd. said that this proposed meeting might invite many people to come forward to discuss Chapter 61 and 61A options with the Board. He wondered why the Town is forced to work with one developer and unable to look at plans from different developers. Abend explained that by the time a developer comes before the Planning Board, a P&S has already been signed. Epstein suggested that Town Meeting would be the appropriate forum to discuss this topic since it involves many of the Town's boards.

The meeting was scheduled for Thursday, November 13, 1997 from 8:00-10:00 p.m. Publishing dates in the *Mosquito* were verified and the meeting will be announced as an "Open Forum within the context of a Special Meeting."

Tice moved to adjourn. Abend seconded. The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anja M. Stam". The signature is written in dark ink and is positioned above the printed name.

Anja M. Stam
Recording Secretary