



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

November 9, 1998

Chair's report on recent meetings, Selectmen and others

Request from plaintiff in matter of Treibick v. Carlisle Planning Board, (Laurajon Drive Definitive Subdivision Plan, East St. – disapproved 2/25/96) to initiate settlement discussions

Report from informal public meeting with Robert Kydd and abutters to land off Nickles Lane and Oak Knoll Road re: development of land including that previously part of Hunters Run Definitive Subdivision Plan – 11/2/98 (disapproved 7/15/98) (Tice and Reid)

ANR Plan: 144-162 Bellows Hill Road, Map 3, Lots 8 and 9, W. Joseph Gardner, Jr., applicant

Report from the Municipal Land Committee meeting (Abend)

Discussion of proposed Open Space Neighborhood bylaw amendments

Engineer's review of as-built plans for Overlook Drive Common Driveway

Discussion of "informal conceptual plan" for subdivision of land located off Kimball Road, Map 29, Lots 6-28B, 6-39, 6 and 7. (Request of Tall Pines Realty Trust and John Swanson)

Discussion of "informal conceptual plan" for proposed Conservation Cluster on land located on Concord St., Map 4, Lot 20 (Request of LandWest, Inc.) (Preliminary Subdivision Plan approved 7/6/98)

Discussion of "informal conceptual plan" for subdivision of land located off Kimball Road and Fiske Street, Map 29, Lots 19, 19A, 6-19, 22A and 22B (Request of David Erickson)

Discussion of "informal conceptual plan" for subdivision of land located at 397 River Road, Map 1, Lot 8. (Request of Fairfield Mortgage Co.)

Chair Hengeveld called the meeting to order at 7:34 p.m. Members Abend, Epstein, Holzman, Reid and Tice were present. LaLiberte was not present this evening. Planning Administrator Mansfield and *Mosquito* reporter David Ives were also present.

Tice moved to approve the minutes of October 26, 1998 as drafted. Abend seconded and the minutes were approved 5-0-1 with Epstein abstaining.

While the bills were circulated, Mansfield explained that he is a member of the Massachusetts Association of Planning Directors. He found this to be a helpful association and has attended the monthly meetings whenever they are in the area. In the past he has paid for the annual membership dues himself, however, they have increased by 50% this year and he asked that the Board pay this \$75 fee. Reid moved to authorize an expenditure of \$75 for Massachusetts Association of Planning Directors annual dues. Tice seconded and the Board approved the motion 6-0.

Chair's report on recent meetings, Selectmen and others

Hengeveld reported that she attended the Selectmen's meeting on October 27th. Regarding the Hensleigh property, the Town chose not to exercise its option to purchase this property under Chapter 61A. She reported that there was also discussion concerning MetroCom's intent to install antennae on existing telephone poles in Carlisle. There was discussion about the comprehensive permitting process. The Affordable Housing Committee is forming a subcommittee consisting of members from the Planning Board, BOH, Cons.Com., Selectmen and a resident. Reid offered to represent the PB on this subcommittee. Hengeveld also noted that the Library will be requesting

\$350,000 at Town Meeting to purchase the home next to it. Mansfield pointed out that Cons.Com. has listed ten possible articles for Town Meeting on its agenda.

Reid asked if the PB could get involved with the Library expansion project and offer site plan review. Hengeveld thought they might already be beyond the early stages of planning, but the Board agreed it would be helpful to send a letter to the Board of Library Trustees to establish a dialog. They authorized the PA to draft a letter and Epstein agreed to review this.

Request from plaintiff in matter of Treibick v. Carlisle Planning Board, (Laurajon Drive Definitive Subdivision Plan, East St. – disapproved 2/25/96) to initiate settlement discussions

Property owner Theodore Treibick came before the Board to discuss possible alternatives to the disapproved subdivision plan. He explained that the disapproved plan was submitted as a three-lot subdivision. With additional land the new subdivision plan would create six new lots in addition to the three lots with existing homes. Treibick then showed an ANR plan with four new lots. Three of the lots were configured with inaccessible tails in the wetlands in order to provide sufficient acreage. He proposed a common driveway to service these four lots. The Board was concerned about endorsing this as an ANR because it wasn't clear if the lots could be accessed through their frontage. Also, creating these lots might then render the existing driveways illegal because they would cross several lot lines.

Treibick asked if the Board was interested in pursuing the ANR plan and asked for guidance on how to proceed. The Board recommended that the applicant's engineer review the common driveway rules and regulations to be sure the plan complies. If waivers are required, these should be noted on the plan. The Board also suggested that the applicant look into utilizing the existing driveway serving the Schneebaum property as the initial portion of a common driveway to serve all five lots. This would reduce the number of road cuts and provide an access with a better approach grade at East Street.

Treibick explained that he is interested in pursuing this plan and staying the litigation. The PA explained the procedure and Epstein agreed to contact the Board's counsel.

Report from informal public meeting with Robert Kydd and abutters to land off Nickles Lane and Oak Knoll Road re: development of land including that previously part of Hunters Run Definitive Subdivision Plan – 11/2/98 (disapproved 7/15/98) (Tice and Reid)

Dave Kelch of Oak Knoll Road and Louise Hara of Concord St. were present for this discussion. Tice reported that the meeting with the Kydds, their attorney, their engineer John Boardman and the abutters was very positive. Boardman presented the plans and the history of the project and abutters were given an opportunity to comment. Dave Kelch presented his ideas for development options.

Kelch explained his ideas to the Board. His first plan created a seven-lot conservation cluster at the end of Nickles Lane plus one lot at the end of Oak Knoll Road. His second plan created similar lots (6+1) without a conservation cluster, but both plans donated land to the Town, possibly providing the Kydds with a tax benefit. He also noted that these plans eliminate the need for an extensive roadway with steep grades through the wetlands. Kelch cited the existing trails and abutting conservation land as grounds for approving a conservation cluster.

Reid noted that the Kydds seemed interested in the plan, but could not commit to it until the actual tax and financial benefits had been researched further. She added that the residents of Nickles Lane were in favor of this plan because it preserves their view and prevents through traffic.

Mansfield said he had recently spoken with the Fire Chief who still maintains that a through road is best for emergency vehicle access. He also expressed his concern over lack of a fire cistern in the area and would prefer to see it on Oak Knoll.

The next meeting with abutters is scheduled for Monday November 16, 1998 at 7:30 p.m. Boardman is expected to present revised plans at this meeting. Reid agreed to attend as a PB representative.

ANR Plan: 144-162 Bellows Hill Road, Map 3, Lots 8 and 9, W. Joseph Gardner, Jr., applicant

This ANR showed a land swap between two lots, both owned by the applicant. This swap would provide proper setback for a proposed barn. Epstein moved to endorse the ANR prepared by Stamski and McNary for W. Joseph Gardner, Jr., dated October 26, 1998. Abend seconded and the motion carried 6-0.

Report from the Municipal Land Committee meeting (Abend)

Abend reported on the MLC meeting held on Monday November 2, 1998. They discussed the Library's acquisition of the adjacent house and felt it would be appropriate for the Town to own this property, even if the Library were not able to utilize it. The committee then spent time discussing the Town's need for affordable housing. One alternative considered was that the Town purchase property and build its own affordable housing. With approximately 40 units, the Town would be close to the 10% minimum requirement. This would also give the Town greater control over this process.

Discussion of proposed Open Space Neighborhood bylaw amendments

Abend was able to contact Mark Bobrowski regarding the Open Space bylaw. Bobrowski seemed interested in assisting the Board again, but he regretted that the presentation files were lost in a flood, and recommended scanning the documents again. Epstein asked Board members to submit their comments on the Open Space Neighborhood Bylaw to him this week.

Hengeveld spoke with Cons.Com. about reducing the percent of wetlands in the ellipse. All members of Cons.Com. were in favor of pursuing this. Hengeveld also presented this idea at an informal meeting regarding comprehensive permits and attendees indicated interest. They are particularly interested in protecting the groundwater.

Engineer's review of as-built plans for Overlook Drive Common Driveway

Mansfield said he has spoken with both LandTech and the applicant Les Bishop. He explained that an as-built plan for the common driveway had been drawn up in November 1996. Later, residents complained that the driveway had not been built as originally designed so an amended plan was submitted and approved in 1997 to match the as-built plan. LandTech's review of the most recent plan dated October 7, 1998 found that the centerline profile and roadway grades need to be added to the final as-built plan. Bishop will redline the plan to show the correct profile and grades and submit it to the Board for review.

Discussion of "informal conceptual plan" for subdivision of land located off Kimball Road, Map 29, Lots 6-28B, 6-39, 6 and 7. (Request of Tall Pines Realty Trust and John Swanson)

As an abutter, Hengeveld recused herself from this discussion and Epstein acted as chair. Joe March of Stamski and McNary represented the applicant and presented the plans. He explained the history of this property and noted that

lots 6 and 7 are currently the subject of litigation. Lots 28B and 39 are existing lots in the Tall Pines subdivision. He presented plans for a subdivision cul-de-sac off of Kimball Road to access these four lots. He noted that no waivers are anticipated for this plan. Epstein suggested that the Board would consider a reduction in the diameter of the cul-de-sac to minimize disruption of the area.

Discussion of "informal conceptual plan" for proposed Conservation Cluster on land located on Concord St., Map 4, Lot 20 (Request of LandWest, Inc.) (Preliminary Subdivision Plan approved 7/6/98)

The following members of the public were present: Louise Hara of Concord Street and Ken Harte of Estabrook Road. Joe March of Stamski and McNary presented the plans for the applicant. He explained that based on discussions during the initial preliminary plan review, he has prepared plans for a Conservation Cluster on this site. With all the soil testing and topographical studies now completed, he felt confident that the plan he presented was accurate and optimally configured. The plan showed 13 lots on two common driveways. They would be connected as a loop road with 6 homes on Buttrick Lane South and 7 homes on Buttrick Lane North. Turnouts will not be provided along the common driveway because it will be built to a full 18-ft. width. At its entrance to Concord Road, Buttrick Lane North has approximately a 10% grade and South has a grade of approximately 7%. The plan also provides a 100-ft. restriction area along Concord Road to prohibit tree removal, driveways and grading. A detention pond would necessarily be located within this restriction area, but it would be replanted with grasses and Red Maples. Approximately three significant trees in the right-of-way will be removed to improve sight distances. Fourteen acres would be kept as open space, with most of it to the rear of the property. Fifty-foot wide wildlife corridors have been provided along the north and south boundaries of the property. Development would be entirely out of the flood hazard district.

March asked if he would be required to file two separate common driveway applications. The Board discussed this and then Reid moved to authorized the PA to treat the application for two common driveways as one application, with one application fee and one project review fee. Abend seconded the motion and the Board approved 5-0-1 with Tice recused as an abutter.

March asked about procedures for Scenic Road and Public Shade Tree hearings. The Board explained that these could be conducted in conjunction with a cluster hearing, probably during the second or third night of that hearing.

At the preliminary plan discussions, March had said that the applicant was willing to move stone walls within the property to the newly established lot lines. The Board and March discussed some possible configurations and March agreed to discuss this with the applicant.

Harte felt that the southern wildlife corridor of 50 ft. was insufficient for the amount of wildlife using that area to travel to Estabrook Woods. He preferred to see this expanded to 100 ft. March agreed to look into increasing this width, but noted that it would not be significant given the requirements for septic and wells. In response to March's inquiry, Harte stated that a permanent conservation restriction would be the best means of maintaining the 100 ft. buffer area along Concord Road.

Abend asked that a traffic tube count be conducted to assess speeds along Concord Road.

Discussion of "informal conceptual plan" for subdivision of land located off Kimball Road and Fiske Street, Map 29, Lots 19, 19A, 6-19, 22A and 22B (Request of David Erickson)

For the record, Hengeveld noted that she is a neighbor to the applicant. Ken Harte of Estabrook Road, David Erickson and Don Drinkwater of Fiske Street were present. Erickson showed a copy of the assessor's map and explained that he lives on lot 22A and recently acquired lots 19, 19A and 6-19. His neighbor, Don Drinkwater, lives on lot 22B and they currently share a common driveway off of Fiske St. to access their properties.

His first proposal was to connect this common driveway with an existing common driveway off Kimball Road and to build this as a subdivision road to serve four new lots in addition to the three existing ones.

The second proposal would develop two lots on parcel 19A and donate a portion of that parcel to the Town. This land abuts land already owned by the Town. This plan would involve an ANR and an amendment to the "Swanson Lane" common driveway special permit off Kimball Road. The existing common driveway would not be altered, but two new driveways would extend from it to access the new lots. Erickson stated that "concept #2" was his preferred option.

Harte endorsed the second plan for its conservation benefits and the Planning Board concurred.

Discussion of "informal conceptual plan" for subdivision of land located at 397 River Road, Map 1, Lot 8. (Request of Fairfield Mortgage Co.)

Mike DeFeudis represented the plan for the Fairfield Mortgage Company. His associate John Briswald was in attendance as well as general contractor Connie Lucas.

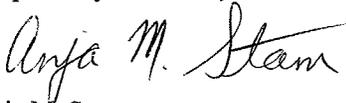
DeFeudis located the property on a copy of the assessor's map and explained that it has approximately 7 acres with 277 ft. of frontage. He wished to develop an extra lot by creating a subdivision road on the property. A porkchop lot could not be created because the property already has two porkchops on either side. The Board discussed possible options with the applicant and suggested that he obtain a copy of the Subdivision Rules and Regulations and the Bylaws. They also noted that David Campbell, the owner of lot 2, would be most impacted by such a development and advised DeFeudis to contact him.

Regarding Malcolm Meadows Mansfield noted that a letter had been sent to Northwest Structures in early October, but Ron Peabody has not been in touch with LandTech or the PB. Hengeveld asked the PA to contact Peabody by phone.

Regarding upcoming meetings, Hengeveld noted that there is a Selectmen's meeting on Tuesday November 10th and a MAGIC meeting on Thursday November 12th. She asked if other members could attend since the assigned liaisons are unable to attend these meetings. No one was able to commit at that time.

At 10:45 p.m. Tice **moved to adjourn.** Abend seconded and the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary