



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

January 25, 1999

- ANR Plan: Concord Road, Map 4, Parcel 20, Landwest, Inc., applicant**
ANR Plan: 846 Maple Street, Map 24, Lots 12, 13, 14 and 15, Graham and Lorraine Wright, applicants
Discussion of "informal conceptual plan" for subdivision of land located off Nickles Lane and Oak Knoll Road, Map 25, Lot 15 – Definitive Subdivision Plan for "Hunters Run" disapproved 7/15/97 and appealed 8/4/97. [Request of Robert Kydd]
Discussion of "informal conceptual plan" for subdivision of land located off Curve Street, Map 28, Lots 7A, 11 & 12. (Request of Paul C. Hart)
Discussion of proposed site plans to be submitted to the Board of Selectmen in accordance with Sec. 7.6.2 of the Zoning Bylaw in conjunction with the construction of an addition to an existing building for business use at 673 Bedford Road (Request of William Luther, Carlisle Auto Body, Inc.)
Public Hearing: Special Permit for Common Driveway to serve 5 lots at 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore Treibick, applicant
ANR Plan: 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore and Carol Beth Treibick, Deborah MacDonald and Andrea and Ronald Schneebaum, applicants
Review of Common Driveway Plan and Profile for Berry Corner Lane. Map 7, Parcel 29 (prepared by Stamski and McNary on behalf of Michael Valchuis et al.) and discussion of strategy with regard to pending litigation, Valchuis et al. V Planning Board
Request for waiver of requirement to submit as-built plan of amendment to Common Driveway Special Permit, 69 Old North Road, Map 34, parcels 1, 15 and 16 (approved 8/24/98) [Request of Laura Chelton]
ANR Plan: 1056 Curve Street, Map 29, Parcels 6, 6-39 and 7, John Swanson, applicant
Discussion of proposed Open Space Neighborhood bylaw amendments

Chair Hengeveld called the meeting to order at 7:30 p.m. Members Epstein, Holzman, Reid and Tice were present. Abend arrived at 11:00 p.m. and LaLiberte was not present this evening. Planning Administrator Mansfield and *Mosquito* reporter David Ives were also present.

Reid moved to accept the minutes of January 11, 1999 as drafted. Tice seconded the motion and the minutes were accepted 5-0.

Tice explained the FY '00 Budget as proposed to FinCom in his memo dated 1/25/99. According to his proposal, the PB is requesting \$694 above FinCom's guideline. Tice will meet with the committee on 2/1/99 to discuss this proposed budget.

The Board reviewed a draft Planning Board report for the 1998 Town Report prepared by the PA. Other than some typographical errors, the Board approved of the draft. Tice asked if pie charts could be included in the document. Mansfield said he planned to insert charts similar to those included in the 1997 Town Report.

ANR Plan: Concord Road, Map 4, Parcel 20, Landwest, Inc., applicant

Mansfield noted that the deadline for this ANR has been extended and may be taken up at the next meeting. The Board agreed to do so.

ANR Plan: 846 Maple Street, Map 24, Lots 12, 13, 14 and 15, Graham and Lorraine Wright, applicants

The PA explained that 846 Maple Street is comprised of several, one-acre lots. The ANR would create one four-acre porkchop lot on which the dwelling and outbuildings would be located, plus one two-acre lot. Holzman noted that the ellipse for the porkchop lot was drawn tangential to the lot lines and he was concerned that even a slight error in locating the lot lines would result in a non-conforming lot. He suggested the lot be resurveyed. The Board discussed its options and the PA noted that if no action is taken, the ANR will automatically be endorsed on Friday 1/29/98. Tice then moved that the PB direct LandTech to confirm the calculations before Friday, with three Board members endorsing the plan this evening and the fourth member endorsing it after receiving LandTech's confirmation. Reid seconded the motion. The PA questioned what action the Board would take if LandTech could not confirm the calculations. After further discussion, Tice withdrew his motion. Reid then moved to endorse the ANR plan for Graham and Lorraine Wright for 846 Maple Street, Map 24, Lots 12, 13, 14 and 15, dated 1/6/99. Tice seconded the motion and it carried 5-0. The Board instructed the PA to send a letter to the applicant noting that an engineer should recalculate the ellipse and lot lines.

Discussion of "informal conceptual plan" for subdivision of land located off Nickles Lane and Oak Knoll Road, Map 25, Lot 15 – Definitive Subdivision Plan for "Hunters Run" disapproved 7/15/97 and appealed 8/4/97. [Request of Robert Kydd]

Robert and Jean Kydd were present for this discussion along with their attorney, Douglas Hausler of Gallant, Hausler & Lampert, and their engineer, John Boardman of Ross & Associates. The following members of the public were also in attendance: Susan Baxter, Jerry Smith, Chris Chin and Ferris Taylor of Hemlock Hill Road; Thomas and Susan McAndrew, Milan Bedrosian, Karla Johnson, Stewart Roberts and Richard Meyer of Nickles Lane; Ken Jeffers of Oak Knoll Road. Fire Chief Robert Koning was also in attendance.

Hausler opened the discussion by stating that meetings have been held with the abutters and with the fire chief. He said that compromises have been made and based on the discussions it has become clear that the abutters are opposed to construction of a through road. A new plan has been prepared with a total of seven lots and the applicant is now asking the Board if he should proceed with a double cul-de-sac plan or a through road.

Boardman then showed the previous double cul-de-sac plan with 10 lots and compared it to the new 7 lot plan. The new plan showed a loop common driveway at the end of Oak Knoll Road with two lots obtaining access directly from this loop, and two additional lots gaining access from a 330 ft. extension from the loop driveway. Boardman suggested that this 12-ft. wide loop driveway be designated as a one-way and the area within the loop could be used as a location for the fire cistern and as a common area for residents. This loop common driveway would be partially within a cul-de-sac right-of-way and would require waivers. The right-of-way would extend Oak Knoll Road an additional 250-ft.

Nickles Lane would be extended with a 300-ft. right-of-way designed to common driveway standards, ending in a similar loop. This driveway would access three lots. An easement to an adjacent land-locked parcel was also shown.

Hausler stated that the Kydds were willing to mitigate the fire chief's concerns by installing a fire cistern on Oak Knoll Road.

The Board asked Fire Chief Koning to respond. Koning reiterated his concerns with cul-de-sacs and stated that a through road would be best from a safety standpoint. Regarding the plan currently before the Board, Koning noted that he had discussed this with the Kydds and requested one cistern on Nickles Lane and two cisterns on Oak Knoll. He would also require a turn around and was particularly concerned about the long common driveway to the last house on Oak Knoll Road (Lot 2). He also felt that the 12-ft. width of the common driveway would be insufficient for the fire equipment.

The PA noted that the minimum common driveway standards require a 12-ft. pavement width with 2-ft. shoulders.

Epstein asked Koning to explain his cistern requirements on Nickles Lane. Koning said that the 10,000 gal. cistern should be replaced with a 20,000 gal. tank.

Hengeveld asked about the topography of the land near Nickles Lane. Boardman stated that the steepest portion of the driveway will be near the loop and will be graded just under 10%. He added that the majority of the construction will be able to follow the natural topography and require very little blasting.

It was determined that with the proposed extension, the overall length of Nickles Lane would be 1,362 ft.

Epstein asked if any drainage calculations had been done. Boardman said they had not, but was certain they would be less than the original proposal. Epstein noted that the new rules and regulations have stricter water management requirements and asked Boardman to provide new drainage calculations based on these.

The discussion was then opened for questions from the public. Richard Meyer stated that he lives at the end of the existing Nickles Lane and expressed concern over potential through traffic on the steep grades. Chris Chen was also concerned about the steep grades on a through road, particularly for children on bikes or inexperienced drivers. Holzman noted that the existing Oak Knoll Road already has a 12% grade at some points, but Jerry Smith countered stating that the existing 12% grade extends no more than 60 ft. while the through road plan would have steep grades throughout. Tom McAndrew noted that the original 8% through road plan called for 20 ft. of fill at some points. Stewart Roberts felt that the topography of this land does not allow for a through road. The through road plan called for extensive blasting and he was concerned about damage to his well. Roberts felt the current plan involving much less blasting, is a great improvement.

Milan Bedrosian noted that the double cul-de-sac plan encourages a closer community and felt this better reflected the Town of Carlisle.

Susan Baxter stated that while the cul-de-sac plan might provide less traffic than a through road for those living near the end of the cul-de-sac, those living nearer the roadway entrance would actually notice increased traffic. She noted that each additional car would travel past her home twice per trip instead of potentially using the other outlet. She felt that concern over additional traffic should not be considered when making a decision.

Jerry Smith understood that only two lots would be proposed at the end of Oak Knoll Road. He asked the applicant to consider reducing the four lots to two, suggesting that the lost revenue from these lots might be offset by reduced roadway construction costs. Hausler argued that the applicant has already made a significant compromise by reducing the number of lots from ten to seven.

Karla Johnson was in favor of the plan, noting that it better accommodates wildlife and the wetlands.

Ken Jeffers stated that he would prefer no development at all, but thanked the Kydds for cooperating with abutters.

Mansfield directed the Board's attention to two letters received from abutters David Kelch and Ferris Taylor via fax today. They were unable to attend this evening's discussion. Mansfield asked if the new plan would impact the Kelch driveway. Boardman explained that the new common driveway would begin approximately 50 ft. from the existing Kelch driveway and regrading would not be necessary.

The Kydds then asked the Board to give direction on how to proceed.

Reid expressed great concern about extending Oak Knoll Road which, at over 3000 ft., is already terribly non-conforming. She would prefer to develop only the Nickles Lane portion of the subdivision.

Epstein stated that neither the through road nor cul-de-sac plan is ideal. He felt that the plan currently in litigation involves extensive disturbance and the plan currently before the Board would be the "lesser of two evils." In pursuing this plan, however, he noted that 1) he would not endorse this plan without support from the fire chief, 2) the applicant should provide turn-outs on the common driveway, 3) he is not in favor of including an easement to the adjacent parcel of land, and 4) the issues of access to Nickles Lane at East Street should be resolved by the applicant.

Tice was in agreement with comments made by Epstein and added that he would prefer to see fewer lots developed on Oak Knoll Road.

Holzman said he favored the cul-de-sac plan over the through road and agreed with comments made by Reid.

Hengeveld agreed that fewer homes on Oak Knoll would be desirable. She also felt that the easement to adjacent property should be eliminated. She advised Boardman to provide turnouts on the common driveway and to plan them with topography and sight distances in mind.

Discussion of "informal conceptual plan" for subdivision of land located off Curve Street, Map 28, Lots 7A, 11 & 12. (Request of Paul C. Hart)

Paul C. Hart and his attorney Joe Shanahan, Jr. were present. The following members of the public were also in attendance: Nancy Lewis and Paul Daugherty of Curve Street; Piper Lind of Mill Pond Lane.

Shanahan reviewed the previous proposal with 15 lots accessed from Curve Street. With this earlier plan the Board had been concerned about the long common driveways.

Since that initial meeting, the land has been officially surveyed with the wetlands delineated. The parcel was found to consist of approximately 100 acres and the wetland area is larger than originally estimated. The new plan has been engineered by Joe March of Stamski and McNary. The number of lots has been reduced to 14 with no common driveways. Access to lot 10 is via a long driveway requiring a wetland crossing. The average lot size is 3 acres for a total of 45 acres being developed. The remaining 40 to 60 acres will remain undeveloped and may be donated to the Town. This donated parcel might provide access to the Wang-Coombs land from Ember Lane.

Shanahan stated that this plan would require one waiver for the 14 lots without a secondary means of access and a second waiver for a cul-de-sac length exceeding 1000 ft. The length of the proposed cul-de-sac is approximately 1700 ft.

Shanahan noted that the entire development would be behind existing homes on Curve Street, thus preserving the view from the road. He added that preliminary soil testing has been conducted and the soil is good although the water table is high. Holzman asked about the profile of the land and the actual high ground water level. Shanahan replied that the land is relatively flat and the high ground water is at approximately 2 ft. Fill will definitely be required.

Reid stated that the cul-de-sac is too long, particularly with 14 lots. Shanahan argued that the applicant wishes to avoid construction of a larger subdivision by pursuing a second means of access. He thought the Board had agreed to entertain a plan if the common driveways were shortened. Epstein agreed that the roadways have been shortened, but noted that there are still far too many lots. He asked why the Board should approve this plan. Shanahan said that with 100 acres this land could be developed more extensively. When asked what the alternative access would be, Shanahan replied that Old Morse Road or other abutting property might provide access.

When Hengeveld voiced her concern over the excessive number of lots, Shanahan asked what would be acceptable to the Board. When the Board explained that a maximum of ten lots could be approved, Hart stated that it would not be financially feasible for him to construct less than 13 lots.

Reid asked if alternative development options had been considered. Shanahan stated that Hart could obtain a comprehensive permit to fully develop the land.

As an abutter, Paul Daugherty spoke in favor of this proposal stating that development of this property is inevitable and this plan is better than the previous one. He noted that the landscape is quite beautiful and he would like to see a trail easement as part of the plan.

Piper Lind supported the safety concerns of the Board and questioned the applicant's willingness to donate the undeveloped land to the Town.

Hengeveld pointed out that the proposed donation of land would consist entirely of wetlands, but Shanahan felt the land would still be able to support trails.

Epstein gave the applicant some direction by stating that he would be open to approving a maximum of 13 lots if the extra lot were removed from the longer branch of the cul-de-sac and its length were shortened. He also advised the applicant to consult with the Trails Committee.

Reid reiterated her preference for shorter roadways with fewer lots and Hengeveld said she would prefer a maximum of 12 lots, but would consider 13 lots.

Discussion of proposed site plans to be submitted to the Board of Selectmen in accordance with Sec. 7.6.2 of the Zoning Bylaw in conjunction with the construction of an addition to an existing building for business use at 673 Bedford Road (Request of William Luther, Carlisle Auto Body, Inc.)

William Luther gave a presentation to the Board. Dean Luther and John Anderegg were also in attendance. Luther explained that the proposed 14-ft. addition to the auto body shop would accommodate a 10-ft. wide aisle to allow vehicles to access the building from the rear. The additional 4-ft. would be used to install a new air cleaning system. Luther also proposed to plant evergreen screening and fencing toward the abutting lot owned by Caracino (?). No additional lighting is proposed and a hand-carved, wooden sign will replace the existing sign. He stated that there are no drainage problems. Given the floor space of the proposed building they will be required to have 30 parking spaces. An existing storage shed will be removed to provide a total of 31 parking spaces. Epstein noted that according to Sec. 7.6.3 of the Zoning Bylaws prior approval is required from the ZBA and BOH which Luther confirmed had been done.

Epstein moved that, pursuant to the Zoning Bylaws sec. 7.6, the Planning Board recommend to the Selectmen that they approve the site plan presented by Carlisle Auto Body for an addition at 673 Bedford Road prepared by Stamski and McNary for William Luther dated 12/9/98. Tice seconded the motion at it was approved 5-0.

Public Hearing: Special Permit for Common Driveway to serve 5 lots at 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore Treibick, applicant

Theodore Treibick and his attorney Jacob Diemert were present as well as his engineers Eric Durling, P.E. and David Crossman of B&C Associates, Inc. William and Dian Cuccinello of 134 East Street were also in attendance.

Durling presented the revised common driveway plan and noted that the most significant revision was made to the driveway profile. A 50-ft., 2% leveling area has been provided at East Street, which will require some wetland fill on the north side of the driveway. This fill will be graded 1-1 with a 7-ft. drop and wooden guardrails will be placed on both sides. After the first 50-ft. there will be a 10% grade before the driveway reaches its lowpoint. He stated that the drainage calculations for the 100-year storm water increased from 1.5" to 1.7" and felt this has negligible

impact. Sight distances are indicated on the revised plan. Durling had not been able to review the 1/20/99 letter from LandTech.

The Board expressed concern over drainage issues, particularly at the driveway's low point. Durling noted that the roadway is built on a ridge and water will drain to the sides.

Regarding the concern over the Wetlands/Flood Hazard Zoning District, Diemert noted that driveways are permitted in such a district. Epstein noted that Town Counsel had suggested that if the PB were to approve the common driveway application, the regulation requiring legal access through a lot's frontage would need to be waived. The Board had not received a response from Counsel regarding the ANR plan and wished to have such advice before proceeding. Diemert agreed to grant an extension of time for ANR approval to 2/13/99. He also agreed to prepare a written response to items raised in the 1/20/99 LandTech letter. Mansfield noted that a memo was received from ConsCom today regarding the amount of wetlands fill required. A copy was given to Diemert.

Hengeveld noted that the two different plans have the same date and asked that a clear distinction be made. She added that the Board is waiting for comments from the Fire Chief regarding this plan.

Bill Cuccinello wished to make the Board aware that the low portion of the driveway becomes flooded each spring.

The hearing was continued to February 8, 1999 at 8:30 p.m.

ANR Plan: 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore and Carol Beth Treibick, Deborah MacDonald and Andrea and Ronald Schneebaum, applicants

In order to allow time for the PB to receive a response from Town Counsel, the applicant, Theodore Treibick granted the PB an extension to February 13, 1999 to act on this application.

Review of Common Driveway Plan and Profile for Berry Corner Lane. Map 7, Parcel 29 (prepared by Stamski and McNary on behalf of Michael Valchuis et al.) and discussion of strategy with regard to pending litigation, Valchuis et al. V Planning Board

David Valchuis was present with his attorney Ann M. Sobolewski of Davis, Malm & D'Agostine and his engineer Joe March of Stamski and McNary. The following members of the public were also in attendance: Thierry B. Copie, Dick Wells and Michael Kelley of Berry Corner Lane.

March presented the plans noting that all comments made by LandTech had been taken into consideration and according to LandTech's 1/21/99 letter, the plans have been revised as requested. The fire chief has not seen the plan yet.

Hengeveld asked how the driveway would be constructed. Sobolewski said that a status conference is scheduled for Friday 1/29/99 at Land Court. Valchuis will work out an agreement with the abutters.

At 10:40 p.m. Epstein moved to go into executive session for approximately 10 minutes to discuss litigation regarding Berry Corner Lane. The Board was individually polled and unanimously agreed to the motion.

The Board returned to open session at 10:54 p.m.

The Board informed the applicant that subject to the fire chief's approval it could approve the proposed ANR plan if the roadway is built according to the plan currently before the Board. They advised Valchuis to propose a logistical solution at the settlement discussion.

Mansfield noted that LandTech fees have amounted to \$525, which Valchuis agreed to pay directly.

Thierry Copie asked what the Board had taken into account in making its decision. Hengeveld replied that the Board has considered grading, drainage, signage and fire safety issues as well as the maintenance agreement and impact on abutters. The Board explained that it was now up to the lawyers to discuss the plan and how to proceed.

(Abend arrived at 11:00 p.m.)

Request for waiver of requirement to submit as-built plan of amendment to Common Driveway Special Permit, 69 Old North Road, Map 34, parcels 1, 15 and 16 (approved 8/24/98) [Request of Laura Chelton]

Reid moved to waive the requirement to submit an as-built plan for an amendment to the common driveway special permit at 69 Old North Road, map 34, parcels 1, 15 and 16 approved 8/24/98. Tice seconded and the motion carried 5-0-1 with Epstein abstaining.

ANR Plan: 1056 Curve Street, Map 29, Parcels 6, 6-39 and 7, John Swanson, applicant

Hengeveld recused herself from this discussion and Epstein assumed the chair.

Mansfield explained that the purpose of this ANR was to reconfigure Lot 1A. The Board noted that this reconfiguration would create a non-conforming structure with insufficient setback. Mansfield said the applicant was aware of this. The Board asked the PA to notify the Building Inspector and the applicant of this non-conformance.

Reid then moved to endorse the ANR plan of land at 1056 Curve Street, map 29, parcels 6, 6-39 and 7 for John Swanson dated 1/11/99. Holzman seconded the motion and it carried 5-0.

Discussion of proposed Open Space Neighborhood bylaw amendments

Epstein explained that Mansfield has letters to be distributed to Town boards to seek an audience with them to discuss the proposed warrant articles. A separate letter has been prepared for other Town committees and citizens. Board members agreed to attend meetings with Town boards as follows: BOH – 2/23, Holzman and Epstein; ConsCom – 2/11, Reid and Hengeveld; Selectmen – 2/9, Hengeveld and Epstein; Assessors – TBA, Tice; FinCom – TBA, Tice; Carlisle Conservation Foundation – Epstein will contact Greg Peterson.

At these meetings, Epstein suggested that an overview of open space objectives be given. He asked members to remind the boards of the narrow defeat of the proposal two years ago and to take any questions that these boards may have. Abend added that it is important to ask for support for the warrant articles both in writing and at Town Meeting. Hengeveld agreed to speak with the Town Moderator to discuss procedures for presenting the articles.

The PA distributed a Public Hearing Notice from the Acton PB regarding changes to their Planned Conservation Residential Community and Open Space Developments.

The meeting was adjourned at 11:37 p.m.

Respectfully submitted,



Anja M. Stam
Recording Secretary