



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

February 22, 1999

Release of Project Review Fee for Amendment to Common Driveway special permit, 63, 67 & 69 Old North Road (Simon, Cassady and Chelton)

Continued Public Hearing: Special Permits for Conservation Cluster and two (2) Common Driveways to serve 13 lots for a parcel of land on Concord Street, Map 4, Parcel 20 (Buttrick Woods), Landwest Inc., applicant

Continued 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

Discussion of strategy with regard to pending litigation (executive session)

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

Discussion of proposed warrant article to amend Zoning Bylaws to add "commercial bank" to Sec. 3.2.2, uses permissible by Special Permit in Residence Districts (Request of North Middlesex Savings Bank)

ANR Plan: Hutchins Road, Lots 2A and 3B, Map 29, Parcel 6-3. Tall Pines Realty Trust, applicant

ANR Plan: 328 Concord Street, Map 15, Parcel 27. Theonie D. Mark, applicant

Discussion of possible bylaw amendment to establish requirements for lot regularity (request of Planning Administrator)

Discussion of proposed Open Space Neighborhood bylaw amendments

Chair Hengeveld called the meeting to order at 7:35 p.m. Members Abend, Epstein, Holzman and Reid were present. Tice and LaLiberte were not present this evening. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present.

Reid moved to approve the minutes of February 8, 1999 as drafted. Abend seconded and the minutes were approved 4-0-1 with Abend abstaining.

Release of Project Review Fee for Amendment to Common Driveway special permit, 63, 67 & 69 Old North Road (Simon, Cassady and Chelton)

Reid moved to refund the balance of the project review fee in the amount of \$833.23 plus February interest to the applicants for the Amendment to the Common Driveway special permit at 63, 67 and 69 Old North Road. Abend seconded the motion and it carried 5-0.

Continued Public Hearing: Special Permits for Conservation Cluster and two (2) Common Driveways to serve 13 lots for a parcel of land on Concord Street, Map 4, Parcel 20 (Buttrick Woods), Landwest Inc., applicant

The applicants Brian Ahern and Bruce Wheeler of HabiTech were present along with their engineer Joe March of Stamski and McNary. The Board's engineer, Barbara Thissell of Earth Tech, was present. The following members of the public were also in attendance: Wendell Sykes and Betsy Constantine of Indian Hill Road; Ken Balboni of ce Pond Road.

March presented the revised plans and showed how items from Earth Tech's 1/8/99 letter of review were addressed. He explained that the density of the white pines around the swale has been increased to one every 10 ft. in a staggered pattern with two dogwoods added near the driveway entrance. The driveway is designed with 18-ft. wide pavement and 2-ft. shoulders on either side. In Earth Tech's 2/8/99 letter, which reviewed this revised plan, Dale MacKinnon noted that this driveway would receive more traffic than a typical common driveway because of its loop design. He suggested a 3 to 1 grading of the sideslope to the swales rather than the 2 to 1 grade proposed. March noted that doing so would require increasing the cleared width by 16 ft. Thissell explained that MacKinnon did not feel strongly about this issue, but wanted to make the Board aware of the steep side slopes and potential problems. Abend recalled feeling uncomfortable on a similar common driveway with a 12-ft. pavement width. He suggested decreasing the pavement width to 16 ft. to encourage slower traffic while increasing the shoulders by two feet. The overall driveway width would remain the same. He felt that a 2 to 1 side slope would be safe in this situation, particularly since the swales are not deep. Thissell agreed and the applicant was amenable to this change.

March then explained that a 20,000-gallon fire cistern would be located at the end of the two common driveways where they meet. This was reviewed by the fire chief and found to be acceptable.

March indicated that stone bounds would be placed at the rear corners of each lot to delineate the buffer area. Sections of the stone wall requiring removal will be relocated to delineate the conservation restriction area and some will be moved to new lot lines. Thissell noted that the current wall is low in some areas and asked if the board wished to specify the height or dimensions of the relocated wall. The Board felt the applicant is working in good faith and felt that the height of the wall is less important than its length. The main purpose of relocating the wall is to delineate new boundaries.

All other concerns raised in the two review letters from Earth Tech were addressed and the Board was satisfied with the revised plan. Epstein recommended that the common driveway and utilities covenants be reviewed by Town Counsel to determine if this was indeed the best way to deal with the linked common driveways. Epstein also had some concerns with the inspection and maintenance schedule. He suggested that the owners should be responsible for this on an ongoing basis and not according to an annual schedule. Thissell suggested that the mowing of swales be included in the maintenance agreement.

Mansfield noted that ConsCom had asked if the Conservation Restriction Advisory Committee would have an opportunity to review the proposed Conservation Restriction. He explained that they should review the portion of the proposed restriction that would be deeded to the Town and because of provisions in the Zoning Bylaw, this process could potentially involve DEP and delay the project. March suggested that the boundaries of the proposed conservation restriction be changed so as not to overlap with the open space parcel to be transferred to the Town. This would allow the project to proceed and the Town would still be able to put a conservation restriction on its property at a later date.

March stated that he would be able to make all the proposed changes to the plans tomorrow so that they could be forwarded to Town Counsel for review along with the covenants.

Abend moved to approve the special permits for two common driveways and the conservation cluster known as Buttrick Woods for Landwest Inc., prepared by Stamski and McNary dated 11/18/98 last revised 2/12/99 with the following changes to be included and reviewed: 1) reduce roadway width from 18-ft. to 16-ft. and

increase the width of the gravel shoulders to 3-ft. on each side; 2) relocate stone walls in an appropriate manner to best delineate open space features; 3) redefine conservation restriction so that it does not overlap the open space parcels; all subject to review of the common driveway maintenance agreement and covenants and reservation of conservation restriction by Town Counsel; finding that 1) the proposed plan preserves the rural character of the Concord Street approach to Carlisle, particularly with the proposed conservation restriction along the public right-of-way and the relocation of stone walls to act as visual boundaries to the conservation areas, 2) that it preserves the wooded character that sets off the views of the Bisbee land across the road, 3) that it preserves and protects the wetlands along the easterly side of the site and that this also provides a natural buffer to the neighboring homes, 4) that it provides corridors for passive recreation and wildlife, potentially for the extension of formal trails that link existing open space; also finding that 5) two (2) access points along Concord Road are preferable to twelve (12) individual driveways and 6) that the common driveway provides the best access for safety and the preservation of open space. Reid seconded the motion. Epstein suggested amending item #2 of the approval to read "relocate stone walls in an appropriate manner to delineate the new boundary lines." Abend and Reid accepted the amendment to the motion and it was approved 5-0.

The public hearing was continued to 3/8/99 at 7:00 p.m. to allow Town Counsel time to review the covenants.

Continued 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

Fred Lewis of Bedford Road and Bill Cuccinello of East Street were in attendance. Mansfield explained that with Abend ineligible to vote and Tice not present, only four Board members in attendance are eligible to vote on this special permit. He noted that the Board could act on the ANR plan if it wished to do so. Reid moved to continue the public hearing on the common driveway special permit for Treibick to 9:00 p.m. on 3/8/99. Abend seconded the motion and it carried 5-0.

Fred Lewis of Bedford Road asked if he might be able to speak regarding the Treibick plan. The Board explained that the common driveway hearing would not be opened today, but it was possible that the ANR might be discussed after the executive session.

Discussion of strategy with regard to pending litigation (executive session)

At 8:50 p.m. Epstein moved to go into executive session to discuss strategy with regard to the pending litigation with Treibick. Abend seconded the motion. The Board was polled and unanimously agreed to go into executive session.

At 9:10 p.m. the Board came out of executive session.

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

Realizing that the Board would be unable to act on the accompanying common driveway special permit this evening, the applicant's lawyer faxed a letter today to grant an extension of time for endorsement of the ANR plan through Friday March 12, 1999. Hengeveld explained to the public that the Board had decided not to take action on the ANR plan since the applicant was not present this evening.

Discussion of proposed warrant article to amend Zoning Bylaws to add "commercial bank" to Sec. 3.2.2, uses permissible by Special Permit in Residence Districts (Request of North Middlesex Savings Bank)

Tony O'Neil, SVP and Bill Marshall, CEO of the Middlesex Savings Bank were present to make their proposal. Their architect, Patrick J. Slattery was also present. Abutter Fred Lewis was also in attendance.

O'Neil stated that their purpose this evening was to show a preliminary plan and discuss procedures and a possible bylaw amendment. Mansfield clarified the role of the Planning Board stating that, if the Selectmen accept the proposed zoning bylaw amendment as a warrant article, then the PB would be required to hold a public hearing regarding the proposed amendment. The PB would also serve as an advisory board to the Selectmen in the site plan review process if the amendment was accepted at Town Meeting and the Zoning Board of Appeals issued a special permit for the bank at this location.

O'Neil showed photos of a similar bank in Hollis, NH and Slattery then presented plans of the building and the site. He noted that the proposed building would be 2900 sq. ft. and that the grading of the site might present some difficulty. The septic system would be located in front of the building and require a retaining wall. The building's exterior would be similar to that of the neighboring post office

O'Neil said that the property was acquired on 12/18/98 and its proximity to the post office and ample parking made this an ideal location for the bank. They had considered spot zoning to allow its construction, but Town Counsel recommended a bylaw amendment. He said that he had spoken with David Kelch and Rich Colman of the Bylaw Review Committee. O'Neil explained that obtaining the property and building the bank would require an investment of over \$1 million and he was concerned about a special permit expiring in five years. O'Neil also suggested rewording the bylaw to allow "essential" businesses in town.

The Board asked if there would be a site plan review process for the proposed bylaw amendment. The PA said that according to section 7.6 of the general bylaws the PB would not be involved in site plan review because this commercial use would be in a residential district. The Board noted that site plan review should be required if the bylaw is amended.

Abend had three comments regarding the architectural plan: 1) a path between the bank and the existing post office should be included; 2) the ATM should be located on the far side of the building to prevent traffic back-up onto the street; 3) since there is a one-way traffic pattern, the parking spaces should be angled for better access. Mansfield agreed and also noted that currently no other Town building or business in Carlisle has parking in front of the structure. He suggested moving parking to the side or rear of the building. Slattery explained that soil testing has not been conducted for alternate septic sites, but if the system could be located to the rear of the building, grading would allow for an ATM and parking there as well.

Epstein asked if the Bylaw Review Committee could come before the PB regarding this issue. Mansfield said he spoke with Rich Colman who explained that the proposed bylaw had already been submitted to the Selectmen and should have been directed to the PB by now.

Regarding connection of the post office and bank, Slattery noted that he is working on a similar situation in Lunenburg where there is an issue between the lessor and the lessee of the property. He is not sure if this will also be a problem in Carlisle. For the Board's benefit, Slattery also explained that in the Towns of Lunenburg and Leominster, one element that triggers site plan review is any plan with more than ten parking spaces.

Epstein asked how many parking spaces were proposed for the bank and the answer was twenty-four. Mansfield confirmed that this was sufficient since the bylaw requires 6.6 spaces per 1000-sq. ft. of gross floor area for banks.

Fred Lewis asked what the process would be for this application. Hengeveld explained that after approval by the Bylaw Review Committee and the Selectmen, the PB would be responsible for conducting a public hearing. This would likely occur in April prior to Town Meeting.

Town Counsel Transition

Epstein asked if the Town Administrator had responded to the PA's 2/9/99 memo regarding Town Counsel Transition. Mansfield stated that the Administrator has been on vacation and has not addressed this matter. Epstein asked the PA to encourage a reply as soon as possible. He also asked Mansfield to clarify Town Counsel compensation and to determine if it is necessary to obtain administrative approval if payment is made from PB funds.

ANR Plan: Hutchins Road, Lots 2A and 3B, Map 29, Parcel 6-3. Tall Pines Realty Trust, applicant

Hengeveld recused herself and Epstein assumed the chair. Mansfield explained that the ANR moved lot lines to allow room for two ellipses. Reid moved to endorse as approval not required the plan of land in Carlisle, MA for Tall Pines Realty Trust, dated 9/28/98. Abend seconded the motion and it was approved 3-0-1 with Holzman abstaining.

ANR Plan: 328 Concord Street, Map 15, Parcel 27. Theonie D. Mark, applicant

Mansfield explained that the new lot lines will require the applicant to fill in 3-ft. of her pool to remain conforming, but noted that the applicant and the Board of Appeals are already aware of this issue and a variance has been granted and so noted on the plan. Reid moved to endorse the plan of land in Carlisle, MA dated 12/30/98, revised 2/10/99, for property located at 328 Concord Road as approval not required. Epstein seconded and the motion carried 5-0.

Discussion of possible bylaw amendment to establish requirements for lot regularity (request of Planning Administrator)

Mansfield explained that Paul DeRensis of Deutsch Williams had suggested adding a "coefficient of regularity" to the bylaws. Its purpose would be 1) to avoid creating land whose ownership is remote and cannot be maintained and 2) to limit construction on marginal lands. Mansfield noted that this bylaw would preclude difficult lots such as those created in the proposed Treibick ANR. The majority of Board members agreed that this would be interesting to pursue, but felt an effective proposal could not be prepared in time for Spring Town Meeting.

Discussion of proposed Open Space Neighborhood bylaw amendments

Board members reported on the various meetings they had with other Town boards regarding the Open Space Neighborhood. Epstein said that the Selectmen were supportive of the main warrant article, but had questions concerning affordable housing. Vivian Chaput asked the PB to obtain endorsement from George Foote. Hengeveld reported that ConsCom gave their general support, but questioned if one-acre lots would be used. Holzman attended the BOH meeting and received their support although they felt it would have little impact since they will still have their own set-back requirements. Some BOH members suggested the use of common wells and/or septic systems. They advised that the Town not own open space set aside for septic use or future septic expansion.

Reid agreed to contact the ConsCom chair regarding the buffer area as noted in section 5.8.7. Regarding the percentage of contiguous open space the Board agreed that the wording of section 5.8.6.1 was appropriate. Reid also noted that she has been unable to discuss the affordable housing article with any member of the Housing Authority. The Board agreed that it would not submit this article for the warrant due to lack of input from appropriate parties.

Mansfield reported that he and Hengeveld had only been able to meet with one assessor. Tice was unable to attend with them, but had prepared background research indicating that the Open Space Neighborhood would be economically viable for the Town. The assessor in attendance was unwilling to give political support and a note from the chair of the assessors indicated that he was personally against the Open Space Neighborhood. Unfortunately the assessors did not give any indication of the positive or negative financial impact that the OSN might have on the Town.

Abend agreed to prepare an article for the *Mosquito* by 3/1/99 and Epstein will prepare a handout for the public meeting to be held on 3/8/99.

The meeting was adjourned at 11:18 p.m.

Respectfully submitted,

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

Anja M. Stam
Recording Secretary