



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

MINUTES

June 14, 1999

Discussion of organization of 1999-2000 Board

Discussion of proposed Agreement for Judgement re: Hunters Run Definitive Subdivision Plan [disapproved 7/15/97 and appealed 8/4/97] (executive session)

Public Hearing: Wheeler Lane Definitive Subdivision Plan (off Kimball Road), Map 29, Parcels 6-28B, 6-39, 6-D and 7-C. (Petition of John Swanson and Tall Pines Realty Trust)

Review of Preliminary Subdivision Plan for Deer Creek Estates (a.k.a. Hunters Run) Map 25, Parcel 15 (off Nickles Lane and Oak Knoll Road). [Application of Robert and Jean Kydd]

Review of Preliminary Subdivision Plan for Hart Farm Estates, off Curve Street, map 28, parcels 6, 7A, 11 and 12 (Paul and Helen Hart, applicants)

Discussion of "informal conceptual plan" for subdivision of land located at 314 East Riding Drive, Map 23, Lot 1, Map 22, Lot 75 & Map 13, Lot 23 [Request of William Costello]

Discussion of strategy with regard to pending litigation, Valchuis et al. V. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (executive session)

Interim Chair Tice called the meeting to order at 7:30 p.m. Members Abend, Epstein, Hara, and Reid were present and Holzman arrived immediately following acceptance of the minutes. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives.

The minutes of May 24, 1999 were reviewed with one correction made and Epstein moved to approve the minutes as amended. Abend seconded the motion and it carried 5-0.

Discussion of organization of 1999-2000 Board

Abend nominated **Bill Tice as Chair** and Reid seconded. Tice accepted the nomination noting that he would require strong support from the Board in terms of managing the workload. Abend then nominated **Michael Epstein as Vice Chair** with Reid seconding. Epstein accepted the nomination and agreed that the previous Board operated well when sharing the workload. Board members felt that the Treasurer's position might be filled by Tom Lane and tabled the nominations for this position until the next meeting when he would be present. Reid nominated **Louise Hara as clerk** and Abend seconded the nomination. Hara explained that she is usually available during the day and accepted the nomination. Abend moved to close the nominations for officers. Reid seconded and the Board voted 6-0 in favor of the motion. The Board then voted 6-0 to approve the slate of officers with the exclusion of the Treasurer.

Liaison positions were then filled as follows: Long-Term Capital Requirements Comm. – Tom Lane; Municipal Land Committee – Michael Abend; Metropolitan Area Planning Council (Magic) – Tom Lane; Historical Commission – Louise Hara; Conservation Commission – Kate Reid (Louise Hara will assume this position during Reid's absence.); Board of Health – Dan Holzman; Selectmen – Bill Tice and Michael Epstein; Recreation Commission – Michael Abend; Trails Committee – Louise Hara; Town Counsel – Michael Epstein.

Abend reported that the Municipal Land Committee has plans to discuss the viability of a Town well on the Hart Property.

Bills and Budget

Bills were circulated and the PA asked the Board if it wished to subscribe to the *Planning Commissioners Journal*. The Board asked for his recommendation and Mansfield suggested it might contain some helpful information for

Carlisle Planning Board Minutes

6/14/99

Page 1 of 6

Board members. Finding that the budget allowed for such an expense, the Board agreed to subscribe to one copy and circulate it among members. Tice then explained that the Board had proposed a 4.5% wage increase for the staff within the FY00 budget as approved by the Town. Abend moved to approve the wage increase and Epstein seconded. The Board voted 6-0 in favor of the motion.

Discussion of proposed Agreement for Judgement re: Hunters Run Definitive Subdivision Plan [disapproved 7/15/97 and appealed 8/4/97] (executive session)

Abend moved to go into executive session to discuss the proposed Agreement for Judgement re: Hunters Run for a period of approximately ten minutes and to return to regular session. Epstein seconded the motion. The Board was polled and unanimously agreed to the motion. The Board returned to regular session at 8:15 p.m.

Public Hearing: Wheeler Lane Definitive Subdivision Plan (off Kimball Road), Map 29, Parcels 6-28B, 6-39, 6-D and 7-C. (Petition of John Swanson and Tall Pines Realty Trust)

Joe March of Stamski and McNary presented the plans. Tricia Smith and JoRita Jordan of the Conservation Commission were also present.

March explained that after the last meeting it was determined that the abutters had not been notified via certified letter. This has now been done and the green cards were presented to the Board. The Board asked the PA if this was a problem. Mansfield explained that proper notification had been published in the *Mosquito* in a timely manner and the abutters have now been notified. He felt the Board could proceed with the public hearing.

Mansfield noted that several documents have been received since the last meeting: 1) a letter and cistern location plan from Stamski and McNary dated 5/27/99; 2) a letter from Judith Nitsch engineering dated 6/10/99; 3) a memo from the Fire Chief dated 6/9/99; 4) a letter from the Police Chief dated 5/25/99 and 5) a memo from ConsCom dated 6/11/99.

Regarding the drainage concerns raised by ConsCom, March explained that the Stormwater Management Policy does not require structured drainage for 4 or fewer homes, but the Board's rules and regulations require catch basins every 300 feet. Changing the drainage system as ConsCom has suggested would require waivers. Tricia Smith explained that the plan was presented to ConsCom last Thursday and they were surprised by the amount of drainage required for only four homes. Smith said she would prefer to see swales used on this site rather than the pipe infiltration system. She felt that the level land and sandy soil would work well with swales and she thought they would be easier for the Town to maintain. Holzman felt that swales don't work as well and become backed up, and structured drainage allows for easier cleanup in the event of a toxic spill. Smith maintained that the roadway runoff could be handled with less drainage and that open swales are easier to clean out than closed pipes.

Epstein asked if the plan with infiltration pipes adversely affects the wetlands or the buffer zone. Smith answered no, stating that their main concern is over maintenance issues. She noted that the ConsCom had also asked the applicant to locate the infiltration trench at station 0+00 in an already disturbed area parallel to Kimball Road.

Reid felt it was not appropriate to change the drainage system on this plan given that it complies with the rules and regulations. She suggested that ConsCom could work with the PB to modify the subdivision rules and regulations for future subdivisions. Abend asked if the ConsCom had rules and regulations for PB review.

Holzman also felt that the plans should not be changed at this point since it is unclear which system will work better. Smith suggested that the plans should be reviewed by DPW and that future applicants should meet with ConsCom earlier in the process. The PA noted that the plans were sent to Gary Davis at DPW specifically requesting his review of the drainage plan. Davis responded orally to the PA stating that he approved of the plan.

The Board agreed that the inside shoulder of the cul-de-sac should not be planted with trees. Jordan was concerned about curbing interfering with migration to a nearby vernal pool. March said there would be no curbing on this

roadway. He then showed the location of a potential trail easement linking Hutchins Road to the new subdivision road. In response to a request made by the Fire Chief to avoid conflicts with a road in Concord, this new subdivision and road would be renamed **Wilkins Lane**.

In reference to the conservation restriction which intersects Lot 3, Hara asked how the limit of tree clearing would be enforced. March said there would be a restriction noted in the deed to that lot and ConsCom would enforce this restriction.

Reid moved to approve the **Wheeler Lane Definitive Subdivision plan dated 3/24/99 revised on 5/24/99 with waivers from the following: 1) Art.II, Sec.6.E.2; 2) Art.II, Sec.2.D.2; 3) Art.III, Sec.5.01; 4) Art.III, Sec.5.C; 5) Art.III, Sec.5F; 6) Art.III, Sec.6 and 7) Exhibit E; with the following modifications to be shown on the plan prior to endorsement: 1) the subdivision and road shall be renamed Wilkins Lane; 2) the infiltration trench will be realigned parallel to Kimball Road; 3) a trail easement with metes and bounds will be provided from Hutchins Road to Wilkins Lane; 4) the trees will be eliminated from the inside shoulder of the cul-de-sac.** Abend seconded the motion. Epstein wished to amend the motion to clarify the waiver of Exhibit E as it pertains to reduction of the pavement width from 20 feet to 18 feet. The amendment was accepted and the motion as amended carried by a vote of 6-0. Epstein asked March to draft documents verifying the trail easement to the Town.

Review of Preliminary Subdivision Plan for Deer Creek Estates (a.k.a. Hunters Run) Map 25, Parcel 15 (off Nickles Lane and Oak Knoll Road). [Application of Robert and Jean Kydd]

The applicants' attorney Douglas Hausler of Gallant, Hausler and Lampert, and their engineer John Boardman of Ross and Associates were present. The following members of the public were also present: John Bakewell of Rutland Street, Dave and JoAnne Kelch of Oak Knoll Road, Ferris Taylor of Hemlock Hill Road, Susan and Thomas McAndrew, Milan Bedrosian, Richard Meyer and Karla Johnson of Nickles Lane.

The PA noted that a letter to the Planning Board from Stewart Roberts and Karla Johnson had been received today.

Boardman presented a letter to the Board dated 6/14/99, which reiterated the anticipated waivers and the request for clear direction from the Board regarding these waivers.

Mansfield reread the motion still on the table from the previous meeting. Abend withdrew this motion and then moved to approve the **Preliminary Subdivision Plan for Deer Creek Estates dated 3/26/99 with the following conditions: 1) No additional right of way shall be created at the end of Oak Knoll Road; 2) No more than two homes are to have access from Oak Knoll Road; 3) Fire Cisterns will be provided near the end of each street (Oak Knoll Road and Nickles Lane); 4) The extension of Nickles Lane shall be designed for acceptance as a public way; 5) A trail shall be developed, with appropriate easements, between Nickles Lane and the end of Oak Knoll Road; 6) A study shall be conducted regarding the sight distances at the intersection of Nickles Lane and East Street to determine whether measures can be taken to enhance safety here.** Reid seconded the motion.

Regarding the first condition of his motion, Abend felt that Oak Knoll Road is already too long and should not be extended at all. He felt that there would be enough frontage for one additional lot on the existing Oak Knoll Road. Abend suggested that the second home referenced in condition two could obtain its frontage from Nickles Lane. Abend added that a third home on Oak Knoll Road would be difficult for the Board to approve because of safety concerns. He felt, however, that he might consider a third home there, with frontage on Nickles Lane, if a third fire cistern were located to benefit the existing Oak Knoll/Hemlock Hill Road residents. Regarding condition four, he felt strongly that the roadways should be designed as public ways and the Board agreed. Abend suggested that the trail requested in condition five give public access to the open space near the back of the parcel.

Hara asked where the Town property abutted this property. March showed that the land to the north was Town owned. Hara then suggested that it might be desirable also to provide a trail easement that connects Oak Knoll Road to the Town owned property. Abend accepted this as an amendment to his motion and Reid seconded it.

Abend stated that he would support a waiver to the length of Nickles Lane if the cul-de-sac were built as a public way.

Epstein explained that he had been considering a concept similar to Abend's motion. He said he would be in favor of allowing up to three new homes on Oak Knoll Road while requiring a third cistern to benefit the existing homes. He agreed that the roadway should be developed as a public way and he was not in favor of the common driveways shown on the plan. Abend was concerned that extending Oak Knoll Road would set bad precedent. He thought that allowing frontage on Nickles Lane could be justified because wetlands would be preserved. Epstein reminded the Board that precedent could not be considered in making a determination. Each plan is new and unique. Epstein felt that safety and the number of homes on Oak Knoll Road are the Board's primary concern. He thought that requiring a third cistern would help mitigate the already existing burden on that road. Holzman questioned the benefit of an additional cistern if emergency vehicles are unable to access the site. He suggested that the access problems at Milne Cove Road be addressed.

The Board then voted 5-1 in favor of the amended motion with Epstein opposed.

The Board then discussed the requested waivers as listed in the 6/14/99 Boardman letter. The applicant asked to waive **Art.II, Sec.6.B.1.u.ii** because a ground penetrating radar survey was completed in 1996. Holzman stated that he has experienced limited success with such testing and recommended that one or two borings be conducted to verify the accuracy of the radar tests. Other Board members concurred. The Board agreed to waive **Art.II, Sec.6.B.2.a** and to allow the area to revegetate naturally. The Board also agreed that it would waive **Art.III, Sec.2.A.11** and allow the roadway to be constructed to a minimum width of 18 feet. A waiver of **Art.III, Sec.2.C** would be allowed to design the roadway to a maximum 10% grade in order to build a relatively level cul-de-sac turnaround. The applicant asked for a waiver of **Art.III, Sec.5.D**, which requires six-foot shoulders. The plan proposed two-foot shoulders. The Board felt that two-foot shoulders would be insufficient given the grades in the area and suggested a total shoulder width of 8 feet to be offset as the contours of the land demand. The Board agreed to waive **Art.III, Sec.5.E** to allow 2:1 side slopes and **Art.III, Sec.3.1** to allow easements to intersect lot ellipses. The Board also agreed to waive **Art.III, Sec.2.D** and **Art.III, Sec.5.G.9**, which refer to exceeding the maximum dead-end street length and using an off-site detention pond.

Abend agreed to review the draft decision prepared by the PA.

Several abutters asked why they had not been given an opportunity to speak this evening. Tice explained that this meeting was open to the public, but the Board felt it had already received sufficient information from the public and needed to spend the time formulating a decision.

Review of Preliminary Subdivision Plan for Hart Farm Estates, off Curve Street, map 28, parcels 6, 7A, 11 and 12 (Paul and Helen Hart, applicants)

Paul Hart and his attorney Joseph Shanahan were present along with engineer Joe March of Stamski and McNary. The following members of the public were also present: John Bakewell of Rutland Street, George and Brigitte Senkler and Nancy Lewis of Curve Street, Joe Childs of Heald Road.

Mansfield noted that since the last meeting the Board of Health has sent a letter approving the preliminary plan.

Shanahan explained that three waivers would be required for this plan: 1) limited turning radius at the access point to the development; 2) a cul-de-sac length in excess of 1000 ft.; and 3) exceeding the maximum number of lots on a cul-de-sac by three lots. Shanahan stated that the applicant is committed to donating the 55-acre wetland parcel and suggested that this land could be of significant value to the Town as an aquifer. He asked if a potential aquifer would be considered a fair exchange for three additional lots.

Hara noted that while one buildable lot in the area is worth approximately \$300,000, one acre of wetland is worth approximately \$5,000, making the entire donated parcel worth approximately \$275,000. She admitted that the parcels should not be evaluated based solely on their financial value, but noted that the Town has purchased wetland for as little as \$500 per acre.

Abend was not sure that the requested waivers were worth a donation of inaccessible wetlands. Holzman also expressed uncertainty about the value of the donated wetlands, but said he was willing to consider up to twelve lots on the site.

Hart stated that the current wetland area had been mowed in the past. He thought that the land is now wet because of the backup of a stream at an old stone bridge on Old Morse Road.

Epstein asked if other Town officials had been consulted regarding the value of this wetland parcel. Mansfield stated that Selectman Chaput has been made aware of the proposal as have the Conservation Administrator and the Health Agent, but no one has studied it or considered its benefit.

Hara, who is also a member of the Trails Committee, suggested that the land would be more valuable to the Town if the upland lot within the wetlands (Lot 9) were also donated to the Town. This would provide a trail connection to Old Morse Road and might also be a site for a pumping station if the parcel proves to be useful as an aquifer.

Abend then moved to approve the preliminary subdivision plan for Hart Farm Estates dated 3/18/99 with the following conditions: 1) the number of lots be limited to twelve (12); 2) the twelve lots will generally stay away from the wetlands area and lot 9 will be eliminated; 3) a public access right-of-way shall be provided from the end of the southerly cul-de-sac to the wetland area; 4) the developer must seriously consider gaining the twelve lots by reconfiguring the development as a conservation cluster. Reid seconded the motion.

Epstein moved to amend the motion to clarify that Parcel X and Lot 9 will be deeded to the Town. Abend and Reid accepted the amendment.

Epstein stated that given the lack of studies conducted on the property, he is not convinced that the wetland donation would be of value to the Town and he recommended allowing a maximum of eleven (11) lots total. John Bakewell agreed saying that given the topography of the land this area of Town is in need of a conservation cluster.

Epstein moved to amend the motion allowing a maximum of eleven (11) lots and a twelfth (12th) lot if this is gained as a bonus for development as an acceptable conservation cluster. Abend and Reid accepted the amendment and the Board voted 6-0 in favor of the amended motion.

The Board agreed to consider waiving the property line turning radius requirement if this access point is shown to be safe. Abend offered to review the draft decision.

Discussion of "informal conceptual plan" for subdivision of land located at 314 East Riding Drive, Map 23, Lot 1, Map 22, Lot 75 & Map 13, Lot 23 [Request of William Costello]

Co-applicants William Costello and Brian Anderson were present with their engineer Joe March. George and Brigitte Senkler of Curve Street and John Bakewell of Rutland Street were also present.

March explained that there is a total of 21 acres of land on this parcel including that of two existing house lots. The proposal would create a 950-foot cul-de-sac with a total of nine lots including the two existing lots. All lots would be two acres with the exception of one 4-acre porkchop lot. The cul-de-sac radius has been designed at 65 feet, but if the Board allows a smaller radius, the last house could be pulled further from the wetlands and grading would be reduced. March also noted that a waiver would be requested because the grade on East Riding Drive is 7% at the location where the proposed road would meet it. He stated that despite the grade, this location offers the best sight distances.

March then asked if the Board would request an open space set-aside for this site. It was noted that the Town owns a two-acre abutting parcel and the Board suggested looking at options to gain access to this parcel. Reid noted that this parcel would be desirable to use as affordable housing. Costello expressed reservations about mixing high-income homes with affordable housing.

The Board asked March to provide a cistern, minimize disruption of the roadway and investigate the use of open swales consistent with the request made earlier in the evening by ConsCom relative to drainage issues on Wheeler Lane. March agreed and stated he would also conduct a limited traffic study.

Reid noted that the shoulders on East Riding Drive are very narrow and suggested that the applicant might widen these shoulders in lieu of providing sidewalks on the new road.

Discussion of strategy with regard to pending litigation, Valchuis et al. V. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (executive session)

Town Counsel Rich Hucksam of Kopelman and Paige was present.

Mansfield noted that a letter dated 5/26/99 from Arthur L. Eno, Jr, attorney for the abutters to Berry Corner Lane, has been submitted to the Planning Board. This letter requests that the roadway upgrades required by the PB be minimized to some maintenance and repair activities, and that the proposed drainage system and turnouts be eliminated from the plan.

At 10:55 p.m. Holzman moved to go into executive session to discuss strategy with regard to pending litigation with Valchuis, and noted that the Board will not return to regular session. Reid seconded the motion. Each member was polled and the Board unanimously agreed to go into executive session.

At 11:50 p.m. Abend moved and Tice seconded a motion to come out of executive session and adjourn the meeting. The Board agreed unanimously.

Respectfully submitted,



Anja M. Stam
Recording Secretary