



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

August 16, 1999

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

**Report from Municipal Land Committee and 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, Lots 7, 21, 22 & 23
Review of Preliminary Subdivision Plan for Great Brook Estates, Map 26, Lot 18 & Map 35, Lots 15 and 22Y, 195 Rutland Street connecting to 120 Pine Brook Road (Application of Albert I. Gould and Betsy E. Goldenberg)**

Public Hearing: Special Permits for Conservation Cluster and Common Driveway to serve 5 lots at High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant)

ANR Plan: 151 Bedford Road & 138 East Street, Map 22, Parcels 71, 62, 62B, 63C and 63D, Theodore Treibick, applicant

Public Hearing: Request by William Delaney, 84 Tophet Road, to remove approximately 20 feet of stone wall and several small trees within the right-of-way at 114 Lowell Street, a scenic road

ANR Plan: 114 Lowell Street, Map 22, Parcel 37, Edward and Janet Gaffey, applicants

Lapse of special permits for Buttrick Woods Common Driveways, Concord Street, Map 4, Lot 20 (due to failure to record permits and plans within 60 days)

Request by Vance V. Vaughn, et al., owners of lots in the Tall Pines subdivision (Hutchins and Kimball Roads) for an amendment to the Definitive Subdivision Plan to require granite curbing along all of Hutchins and Kimball Roads

Wireless Communications Advisory Committee requesting discussion of proposed zoning bylaw amendments (Request of Paul Gill)

Review of draft covenant and easements for Wilkins Lane Definitive Subdivision Plan (approved 6/14/99)

ANR Plan: 109-127 Prospect Street, Map 2, Parcels 2 & 2B, William and Patricia Schannen and Douglas and Terri Chapman, applicants

ANR Plan: 186 Rutland Street, Map 25, Parcel 1 and Map 36, Parcel 24E, Richard C. Blanchard and Leo J. Blanchette, applicants

Discussion of 1999-2000 Planning Board goals and objectives and consideration of articles for Fall Town Meeting warrant

Evaluation of Town Counsel services (Request of Town Administrator)

Discussion of requirements for trail easements (Request of L. Hara)

Discussion of strategy with regard to pending litigation, Kydd v. Planning Board (Hunters Run Definitive Subdivision Plan - disapproved 7/15/97 and appealed 8/4/97) [Executive Session]

Chair Tice called the meeting to order at 7:35 p.m. Members Abend, Hara and Lane were present. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives.

Several clarifications were made to the **minutes** of July 19, 1999 and Hara then **moved to approve these minutes as amended**. Abend seconded the motion and it carried 4-0.

Tice stated that he met with the Personnel Board on August 3, 1999 to discuss pay raises awarded to the Planning Board Staff. He reported that the Personnel Board is requiring the PB to rescind these raises and offer no more than a 4% increase.

Report from Municipal Land Committee and 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, Lots 7, 21, 22 & 23

Abend reported that the MLC recently met with William Costello to discuss his proposed development on East Riding Drive. Abend noted that with the exception of the School Committee, all Town boards and committees were represented at this meeting. At this meeting, Marty Galligan of the Housing Committee and Selectman Vivian Chaput advocated using the abutting Town-owned parcel to build affordable housing. Costello said he would not be amenable to providing access to this parcel if it were to be used for affordable housing. He proposed that this lot be developed and sold, with the proceeds going into an affordable housing fund. Chaput pointed out that the Town could not accept the proposed 40-ft. right-of-way. Costello stated that this would be constructed as a private road, or alternatively, he might be able to purchase additional land in order to widen the roadway. Abend reported that the MLC agreed to go along with Costello's proposal. Hara also attended the MLC meeting and noted that Costello did not discuss the lots held in Pine Meadow. The PA noted that Costello is expected to file the plans for this development next week and that he would like to be on the PB agenda for September 13th.

Tice noted that the Selectmen are holding a meeting tomorrow to discuss affordable housing. Several PB members said they would try to attend this meeting. Hara reported that the MLC is considering a joint planning meeting to be held with the Planning Board in November after Town Meeting.

Review of Preliminary Subdivision Plan for Great Brook Estates, Map 26, Lot 18 & Map 35, Lots 15 and 22Y, 195 Rutland Street connecting to 120 Pine Brook Road (Application of Albert I. Gould and Betsy E. Goldenberg)

Mansfield explained that the preliminary plan for this 12-lot subdivision was submitted last Monday and has been forwarded to LandTech for review, but the review has not yet been completed. The PA also noted that a notice has been received from the Tax Collector, indicating that there are unpaid taxes on one parcel of land. He explained that the Board may not take action on this plan until these taxes are paid.

Applicant Bert Gould was present with his attorney Sherry Gould, and applicant Betsy Goldenberg was present with her attorney Robert Moran. Gary Shepard of David E. Ross and Associates presented the plans for the applicants. The following members of the public were also present: Gunilla and Claude Lacoche and B. Cooper of North Rd.; Kristine Bergenheim of Palmer Way; Gary Stadlander, Cathy and Dave Comstock, Betsy Goldenberg and Glen Urban of Pine Brook Road.

Shepard explained that the applicants had chosen the name Great Brook Path for this subdivision road, but have learned that this name may not be acceptable to the Fire Chief. He asked for suggestions from the Board. Shepard then explained that 7.6 acres of open space are proposed which would preserve the footpath adjacent to Great Brook Farm State Park. In addition, a public access to the State Park will be created via an easement over the common driveway.

Shepard then noted that Lot 10 has its frontage on the new cul-de-sac roadway, but will gain access from Pine Brook Road. He explained that Pine Brook Road has ten existing homes so the 3 additional homes proposed would bring the total to 13 homes, exceeding the 10-lot limit on a cul-de-sac. He asked the Board for its preference in this matter.

The Chair next took questions and comments from the public. Dave Comstock of Pine Brook Road stated that he is pleased that there will be access to the State Park. Gary Stadlander said he would prefer to minimize the number of homes accessed via the common driveway on Pine Brook Road.

Cathy Comstock asked if an aquifer study had been done in the area. She was concerned about the development's impact on existing wells. Shepard stated that no study had been conducted. He felt that given the amount of

wetlands in the area, the failure of wells would not be a concern. He thought that a study could be conducted if problems are indicated.

Kristine Bergenheim of the Bicycle/Pedestrian Safety Committee asked if any sidewalks were planned for the development. Shepard said no. Abend asked if parking is proposed at the easement access to the State Park. Shepard said that one or two spaces could be provided at the end of the cul-de-sac. Abend indicated that the Board would need to look at Lot 10 more carefully to determine the best access for this lot.

Hara thanked the applicant for the thought and sensitivity that has gone into this plan. She stated that she prefers the Conservation Cluster plan and is in favor of one or two parking spaces at the end of the cul-de-sac.

Mansfield asked if Lot 10 has real access over its frontage. Shepard explained that there is some wetland near the frontage, but there is enough access for a driveway at this point.

Abend asked about the Conservation Cluster off of Pine Brook Road. Mansfield explained that this would be handled as a separate application. Abend recommended obtaining input from the Fire Chief regarding the distance of Lot 10 from the cistern. He also recommended a more direct flow of traffic from Great Brook Path into the common driveway.

Bert Gould explained that he feels uncomfortable discussing the subdivision plan, when he expects the final outcome to be a conservation cluster. He asked how the process might be simplified. Abend suggested that the subdivision roadway might be shown to access only one or two lots for the approval. Then an ANR demonstration plan could be submitted along with a conservation cluster plan.

Bert Gould then noted that Lot 10 has a natural swale that runs through it which limits construction on that site. The Board scheduled a site walk for Thursday September 9th at 5:00 p.m.

Mansfield noted that a conservation cluster must also include an open space buffer, which separates the cluster from abutting property.

The hearing was continued to September 13th at 7:45 p.m.

Public Hearing: Special Permits for Conservation Cluster and Common Driveway to serve 5 lots at High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant)

Realizing that only four Board members would be in attendance this evening, the applicant forwarded a request to continue the Public Hearing to the next meeting on September 13, 1999. Abend moved to continue the public hearing to September 13th at 9:15 p.m. Lane seconded the motion and it carried 4-0.

Unaware that the public hearing would be continued, the following members of the public were in attendance: Paula Trebino of Heald Road, Margorie and Edward Getchell, Fred Rundlett, Susan Carlson, Barry Hoffman, and T. Taylor for Janet Lovejoy of West Street.

ANR Plan: 151 Bedford Road & 138 East Street, Map 22, Parcels 71, 62, 62B, 63C and 63D, Theodore Treibick, applicant

The applicant was present for this discussion. The Board reviewed the ANR plan and found that some of the notes were unnecessary and confusing. After some discussion, Abend moved to endorse the ANR plan for owner Theodore and Carol Treibick, engineered by Russell Wilson and dated 8/12/99. Lane seconded the motion and it carried 4-0. For the record, the Board noted that "endorsement of this ANR plan does not endorse changes shown on Parcel A and Parcel BY."

Public Hearing: Request by William Delaney, 84 Tophet Road, to remove approximately 20 feet of stone wall and several small trees within the right-of-way at 114 Lowell Street, a scenic road

Applicant William Delaney was present with owner Ed Gaffey.

Mansfield explained that this Public Hearing was scheduled as a joint Hearing with the Tree Warden, but Gary Davis visited the site and determined that the proposed driveway would only affect saplings and shrubbery. Delaney explained that Stamski and McNary have staked the 20-ft wide, proposed driveway in a location to minimize impact on the wall and landscape. Delaney stated that the existing wall averages approximately 2-1/2 feet in height, but is in poor repair. He explained that the stones removed for the driveway would be used to repair the remaining wall. Abend asked about sight lines along Lowell Street at this location. Delaney said that the road is straight at this point and sight lines are good. Abend moved to approve the proposal to remove no more than 20-ft. of the existing stone wall to allow access to 114 Lowell Street. The 20-ft. access should be within 20-25 feet of the northern property line and stones removed from the wall are to be used to repair the existing wall along Lowell Street. Hara seconded the motion and it was approved 4-0.

Mansfield noted that there are no rules and regulations for scenic road hearings, therefore there are no requirements for submitting a plan. He thought it would be helpful to draft such regulations in the future.

ANR Plan: 114 Lowell Street, Map 22, Parcel 37, Edward and Janet Gaffey, applicants

Edward Gaffey was present. Abutter Donna Siedlar was also present. This ANR divided one lot into two lots in the Residence A district. It was noticed that the ellipses were not shown. Therefore, the applicant granted the Board an extension to September 17th and agreed to bring the revised plans back to the meeting on 9/13/99. [After the meeting it was discovered that ellipses are not required in the Residence A district.]

Lapse of special permits for Buttrick Woods Common Driveways, Concord Street, Map 4, Lot 20 (due to failure to record permits and plans within 60 days)

Bruce Wheeler of Landwest stated that he did not receive the decision on the common driveway application. He asked if it would be possible to obtain another copy of the decision and begin the 60-day clock for recording again. Mansfield explained that the original document was sent to the applicant along with the Conservation Cluster decision on March 26, 1999. The Planning Board staff believes they were sent together in the same envelope. Mansfield said that he has spoken with the applicant's engineers Joe March and Jody Minkle as well as attorney Alex Parra. They each have copies of the conservation cluster decision, but not the common driveway decision. Alex Parra had said that he would forward evidence to the PA to show that the Conservation Cluster plan has been recorded, but this evidence has not yet been received. Mansfield noted that both decisions were filed with the Town Clerk and there were no appeals during the 20-day appeal period. Both plans should then have been recorded within 60 days of the end of the appeal period.

The Board decided that it would be best to repeat the application process and agreed to accept the common driveway application at its next meeting on September 13, 1999 at 10:00 p.m. Mansfield advised the applicant to submit the application by the end of the week in order to advertise and provide proper notice for a public hearing.

Request by Vance V. Vaughn, et al., owners of lots in the Tall Pines subdivision (Hutchins and Kimball Roads) for an amendment to the Definitive Subdivision Plan to require granite curbing along all of Hutchins and Kimball Roads

David Freedman of Kimball Road and Walter Dray of Hutchins Road presented the request on behalf of lot owners in the Tall Pines subdivision. Freedman asked that granite curbing be required throughout the subdivision rather than only at points where grading and drainage are at issue. He stated that the residents are primarily concerned about erosion and aesthetics with the intermittent curbing. He explained that there is still opportunity to require additional curbing since the finish course has not been applied to the roadway and Costello has been granted an extension to December 1999.

Abend asked if the residents had spoken with Mr. Costello about this request. Freedman said that they had and that Costello told them to make their own arrangements with the roadway contractor.

Hara said that she had driven through the subdivision and noticed sediment collecting at the intersection of Hutchins and Kimball Roads.

Abend asked if the road is still under agreement. Mansfield stated that there is still a tri-party agreement on these roads. Abend noted that if there is an erosion problem, then the Board might have some recourse to correct this problem. Freedman thought that some sediment may be from erosion and some might be from roadway sanding in the winter.

Hara asked if the residents would be satisfied with asphalt berm if this solved the erosion problem. Freedman felt this would defeat the purpose since asphalt erodes.

Freedman asked the Board to also look at the detail drawing of the curbing to see if it meets specifications. He was unsure of the regulations at the time the plan was approved, but thought that the plan specifically states that a 4" curb clearance is required. Freedman thought this specification has not been met.

The Board asked the PA to contact LandTech for a review of the curbing issues in the Tall Pines subdivision and to report on results at the next meeting.

As a final note, Freedman asked if the Wilkins Lane construction would delay acceptance of Hutchins Road due to the delay of a binder course from Wilkins Lane to Curve Street. The Board indicated this was a possibility.

Wireless Communications Advisory Committee requesting discussion of proposed zoning bylaw amendments (Request of Paul Gill)

Don Allen of the Wireless Communications Advisory Committee came to update the Board on its proposed zoning bylaw amendments. He noted that the moratorium on these facilities ends on November 11, 1999 and they are working on a revised bylaw. Allen said that a Special Town Meeting would be scheduled for the end of October or possibly the first week in November. The Board noted that the proposed amendments must first be submitted to the Selectmen and they in turn will submit them to the Planning Board. The Planning Board must then advertise and hold a public hearing on the proposed amendments and prepare a report to Town Meeting. Allen was made aware of the scheduling constraints. He offered to forward a rough draft to the Board via e-mail. The Board agreed this would be a good idea.

Review of draft covenant and easements for Wilkins Lane Definitive Subdivision Plan (approved 6/14/99)

Mansfield explained that the Board's review engineer, Judith Nitsch Engineering, is being asked to review the wording of the covenant regarding construction inspection. He also recommended that they comment on the section

regarding inspection review. The Board agreed and suggested that Town Council should be asked to review this wording if Nitsch was unfamiliar with this type of covenant. Mansfield also noted that he is awaiting input from the Board of Health regarding drainage and septic systems.

The Board agreed to wait for comments from Nitsch and the BOH before endorsing the plan at their next meeting.

ANR Plan: 109-127 Prospect Street, Map 2, Parcels 2 & 2B, William and Patricia Schannen and Douglas and Terri Chapman, applicants

The PA explained that this ANR provides for a land-swap to correct the situation of a driveway that inadvertently crosses a lot line. Hara moved to endorse the ANR plan prepared by Snelling & Hamel Assoc., dated 5/8/99 for parcel A-1A and A-2A. Abend seconded the motion and it carried 4-0.

ANR Plan: 186 Rutland Street, Map 25, Parcel 1 and Map 36, Parcel 24E, Richard C. Blanchard and Leo J. Blanchette, applicants

The Board found that this plan did not show an ellipse. Therefore, Lane moved not to endorse the plan for Blanchard prepared by Robert M. Gill and Assoc., dated 7/28/99 because it does not meet the requirement for showing the ellipse for Lot B, with the recommendation that the applicant resubmit the plan showing the proper ellipse and the Planning Board will waive the requirement for a second filing fee. Abend seconded the motion and it carried 4-0.

Discussion of 1999-2000 Planning Board goals and objectives and consideration of articles for Fall Town Meeting warrant

Abend felt that it would not be practical to present the Open Space Bylaw at the Fall Town Meeting. The Board agreed. Abend then reported that Selectman Chaput had asked the PB to consider revising the SROSC Bylaw to make its use more attractive to developers. He felt it would be practical to propose lowering the age requirement to age 55. He noted that most towns use 55 as a minimum age. Abend noted that the Town of Hopkinton appears to have good regulations for both elderly housing and open space communities. The PA agreed to contact Hopkinton's planner for more information.

Regarding the Special Town Meeting, Abend thought proposing the lower age requirement would be easily accomplished. He thought that the Board might also be able to consider amending the square footage requirements in the SROSC bylaw.

Mansfield thought that the Board should consider revising its standards on lot regularity. Board members agreed to discuss this issue at the next meeting and asked the PA to reserve a spot on the Town Meeting warrant for this and the SROSC amendment.

Evaluation of Town Council services (Request of Town Administrator)

Mansfield stated that there had been a problem in getting materials to Town Council, but this issue has been resolved. The Board generally felt satisfied with Town Council's advice. Abend thought that Town Council answers the Board's questions very specifically, and the Board should word its questions carefully. Tice asked the PA to give positive feedback to the Town Administrator. He also asked that Epstein, the Board's liaison to Town Council, be asked to give his own feedback since he was not in attendance this evening.

Discussion of requirements for trail easements (Request of L. Hara)

Hara said that she has been in contact with Steve Tobin of the trails committee. He has a document written by the Conservation Law Foundation that might aid the Board in writing covenants for trail easements. She agreed to obtain a copy for the Board.

Discussion of strategy with regard to pending litigation, Kydd v. Planning Board (Hunters Run Definitive Subdivision Plan – disapproved 7/15/97 and appealed 8/4/97) [Executive Session]

At 11:05 p.m. Abend moved to go into executive session to discuss strategy with regard to pending litigation, Kydd v. Planning Board, and not to return to regular session. The Board was polled and all approved the motion.

At 11:15 p.m. the Board came out of executive session and unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary