



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES

September 13, 1999

- 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)**
- Review of Preliminary Subdivision Plan for Carriage Way, located at 314 East Riding Drive, Map 23, Lot 1, Map 22, Lot 75 & Map 13, Lots 7, 21, 22 & 23 [Application of William Costello]**
- Continued 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)**
- Notice of intent to withdraw 9.3 acres of land classified under MGL chapter 61 for residential use, 662 West Street, Map 6, Lot 63 (Christopher Fleming)**
- Discussion of proposed sidewalk trust fund (Request of Pedestrian/Bicycle Safety Committee)**
- Public Hearing: Common Driveway Special Permits for Buttrick Woods Conservation Cluster, Concord Street, Map 4 Lot 20 (previous permits lapsed due to failure to record within 60 days) [application of Landwest, Inc.]**
- 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**
- Review of draft covenant and easements for Wilkins Lane Definitive Subdivision Plan (approved 6/14/99); request for endorsement of plans**

Vice Chair Epstein called the meeting to order at 7:30 p.m. Members Hara, Holzman, Lane were present and Abend arrived at 9:15 p.m. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives. Board members Reid and Tice were not present this evening.

The minutes of August 16<sup>th</sup> and August 19<sup>th</sup> 1999 were reviewed and Lane moved to accept both sets of minutes as drafted. Holzman seconded the motion and the minutes were approved 2-0-2 with Epstein and Holzman abstaining.

**Bills** were circulated. Lane asked why funds had not been budgeted for the Telephone account. The PA explained that the telephone bills are now paid from the Selectmen's budget. The \$6.00 per month charge for Ultraset services will be paid through the general budget. Epstein asked whether the PA had discussed the funds encumbered from FY99 with the Town Administrator. Mansfield explained that previous budget files are still being researched in order to determine what amount should be transferred to the Selectmen's budget.

Epstein noted that the Wireless Communications Advisory Committee (WCAC) would like Planning Board comments on their draft bylaw amendments as soon as possible. Given his background in this field, Holzman said he would be interested in reviewing the document. Paul Gill of the WCAC was present and explained that the Selectmen are expected to review and revise the current draft tomorrow. He said he would ask the Selectmen to forward their comments directly to the Planning Board so that they in turn can review the most current draft.

Epstein noted that the Fall Town Meeting has been scheduled for Nov. 2, 1999 and that the Selectmen have decided not to entertain the zoning bylaw changes proposed by the PB at this time.

Town Counsel is holding a training seminar for Town Boards and staff on Thursday 9/16/99. Hara, Lane and the Planning Secretary said they would attend. Hara suggested videotaping the seminar for those who would be unable to attend. Mansfield said that some other boards are looking into this possibility.

**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)**

The applicants were present along with their engineer, Gary Shepard and attorney Sherry Gould. The following members of the public were also present: Glen Urban and Chris Puffer of Rutland St. and Nancy and Gary Stadlander of Pine Brook Road and Kristine Bergenheim of Palmer Way.

Mansfield noted that there had been outstanding municipal taxes on this property, but he received communication from the Town Treasurer on Friday morning indicating that these taxes have been paid.

Shepard stated that he has received the comments from the Board's engineer, LandTech, and the revised plans address the technical issues referenced in that letter dated 9/8/99. As a reference, he showed the Board the route taken on the site walk held on September 9<sup>th</sup>.

Shepard noted that the applicant would create a trail easement off Pine Brook Road to allow access to the State Park for residents only. Access for the general public would be granted via an easement off the new cul-de-sac road. The revised plan also provides for a 5-ft. open space strip around the conservation cluster. In some areas this strip is up to 20-ft. wide. The wetland area of Parcel C was calculated at 25%. This parcel would be donated to the Town and the 25% calculation falls within the requirements for maximum percentage of wetland. LandTech noted that the existing grade across the cul-de-sac on the plan is in excess of 15 feet. Shepard said that they are investigating the possibility of relocating the cul-de-sac to a more level area.

LandTech had noted that access to lots 7, 8 and 10 might be illusory, but Shepard disagreed, citing Corcoran v. Planning Board of Sudbury. Shepard distributed copies of EOC&D's "Land Use Manager" vol.7, #1 to illustrate his point. Mansfield noted that these lots do not comply with the Subdivision Rules and Regulation Art.III, Sec. 2A(6) since they cannot be accessed without reliance on common driveways. LandTech also noted that the plan shows access to five lots from the cul-de-sac, while the Rules and Regulations allow a maximum of three lots. Shepard also asked the Board for its opinion regarding the three additional lots on Pine Brook Road.

Hara stated that she felt the trail easements to the State Park should all be open to the public. She thought it would be difficult to limit pedestrian traffic to a specific group of people and noted that without parking on Pine Brook Road, it would be unlikely to receive excessive traffic. Hara also noted that the meadow in the area of Lot 10, as well as the adjacent stand of older pine trees, is well worth preserving. Shepard said that most of the trees could be preserved although some would be located on Lot 5. Hara appreciated the access provided to the State Park from Great Brook Path. Hara observed that there were steep grades at the proposed entrance to Great Brook Path, which would require a significant cut. She asked that impact in this area be minimized.

The Board then discussed how to proceed on this application. The PA noted that, as proposed, lots 1,2,3,6,8,9 and 10 would remain as standard subdivision lots while Lots 4, 5 and 7 will be developed as a Conservation Cluster. Various configurations were considered and discussed in an attempt to simplify the process. Albert Gould stated that he had submitted plans for a 10-lot subdivision off Rutland Street and one lot off Pine Brook Road to be developed as a conservation cluster. He wished to work on both simultaneously. All agreed that the ultimate goal was to build a 6 or 7-lot subdivision and two conservation clusters, but the process was unclear.

Kristine Bergenheim of the Bicycle and Pedestrian Safety Committee asked if sidewalks had been considered. Shepard said that sidewalks would be discussed at the definitive plan stage.

Glen Urban stated that he was pleased that a through road is not being proposed. He then asked for clarification on the limits on the length and number of houses on cul-de-sacs. Epstein explained that the Subdivision Rules and Regulations restrict dead end streets to 1000 ft. and ten homes for safety reasons. The PA noted that with additional abutting properties, Pine Brook Road would give access to 14 lots when completed as proposed.

The PA read a memo from the Fire Chief dated 9/2/99, which outlined his requirements for fire cisterns and turn-arounds. A copy was given to the applicant. Gould noted that the Fire Chief also requested an alternate name for "Great Brook Path" and he would subsequently propose one, but asked for suggestions.

In conclusion, Shepard noted that the open space parcel has been reconfigured to include the entire pond within the parcel rather than having the pond divided by lot lines.

The Board asked the applicant for an extension to allow the Board to consult with Town Counsel regarding process and some legal issues raised in the LandTech review. LandTech will also review the revised plans. The applicant agreed to grant an extension to October 1<sup>st</sup> and provided this in writing. The discussion was continued to 9/27/99 at 8:15 p.m.

**Review of Preliminary Subdivision Plan for Carriage Way, located at 314 East Riding Drive, Map 23, Lot 1, Map 22, Lot 75 & Map 13, Lots 7, 21, 22 & 23 [Application of William Costello]**

Applicants William Costello and Brian and Nancy Anderson were present with their engineer, Joe March of Stamski and McNary. Also present were Basu Sarkar, Phil Conti, Poh C. Lim and Dorothea Kress of East Riding Drive, Deb Belanger of Palmer Way and Selectman Vivian Chaput.

March explained that the proposed roadway would be 1090 feet in length and serve seven new lots. The roadway would be built within a 40-ft. right-of-way and could potentially serve a maximum of ten lots if the two existing homes plus the Town-owned lot are to be served by it.

The applicant proposes to donate Parcels X2 and X3 to the Town in order to give the Town access to its own lot X1 and render it a buildable lot. In exchange, Costello is requesting numerous waivers to the subdivision regulations as outlined in the September 2, 1999 letter from Stamski and McNary to the Planning Board. March explained that reducing the right-of-way width from 50' to 40' allows the applicant to develop the same number of lots on his parcel while providing access to the Town-owned lot. He noted that he had received a copy of the review from Nitsch Engineering and said that the applicant is willing to widen the shoulders to address snow removal concerns. Mansfield told the Board that the plan had not been reviewed by the Police Chief, Fire Chief or DPW.

Lane asked if the Board would have authority to request funding for the Pedestrian/Bicycle Safety Committee in lieu of sidewalks in the development. Mansfield said that this might be possible in the definitive stage.

Epstein asked for input from the Municipal Land Committee. Hara stated that the MLC is interested in working with Costello on this development in order to gain access to the Town-owned lot. Selectman Chaput concurred and thanked Costello for his efforts. She asked the PB to include this Town-owned lot in the subdivision in order to make it a legal building lot. Epstein asked Chaput to keep the PB informed of the procedures and technical details regarding the purchase and exchange of land in this development.

Hara asked about site distances at the roadway access. March stated that they are more than adequate for the posted speed on East Riding Lane and offered to provide documentation if desired. March then explained that the existing house owned by Costello would have its access relocated to the new roadway, while Anderson's home would retain access from East Riding Lane.

Basu Sarkar asked if a hydrological survey had been conducted. He stated that several wells in this area had low output due to the drought this summer. He wondered if the aquifer would support the additional homes in the area. He also thought that a traffic study would be appropriate stating that the traffic on East Riding Drive between East Street and Brook Street would be increased by 100% with the addition of these homes. Mansfield noted that the Board of Health is also reviewing this plan and that they should be consulted regarding the hydrological survey. March noted that the developer is required to comply with the DEP's storm water management policy which

requires that the developer infiltrate a certain amount of water based on the amount of development. He also noted that all the water removed from the aquifer would be recycled back into it.

*(Abend arrived.)*

Deb Belanger of the Bicycle/Pedestrian Safety Committee stated that the committee would like to see sidewalks in the development and would like to see them continued on East Riding Drive as well. Costello said that extending the road for the Town is already an additional expense for him and he had not considered installing sidewalks.

Mansfield noted that the applicant had also asked for a waiver of the \$250 application fee. **Abend moved to waive the application fee for filing of the preliminary plan.** Lane seconded the motion and it carried 5-0.

Chaput asked that the Board be clear in documenting this roadway as a private way if the 40-ft. right-of-way is allowed. A site walk was then scheduled for Tuesday 9/21/99 at 6:30 a.m. The discussion was continued to 9/27/99 at 9:15 p.m.

**Continued 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)**

The following abutters were present for this hearing: Alan Lehotsky, Anne Marie Brako, Barry Hoffman, Susan Carlson, Gladys Pannell and Edward Getchell of West Street, Ken Harte of Estabrook Road, John Forelli of East Street and Arthur Taylor of Martin Road in Concord.

The applicant was present and requested that the hearing be continued before taking testimony. He was concerned about proceeding with only five board members present. Fleming was also anxious to receive approvals by October 30, 1999 in order to fulfill his obligation as seller in a P&S agreement for the existing home at 662 West Street. He thought that it might be possible to separate the lot to be sold from the remaining parcel, but this would then alter lot lines for the proof plan. The Board suggested that perhaps the new owners could become co-applicants.

The hearing was continued to 9/27/99 at 10:00 p.m.

**Discussion of proposed sidewalk trust fund (Request of Pedestrian/Bicycle Safety Committee)**

Kristine Bergenheim and Deb Belanger were present to represent the Pedestrian/Bicycle Safety Committee (PBSC). David Freedman of Hutchins Road and Anne Marie Brako of West Street were also present. Belanger referred to a memo dated 9/10/99 from the PBSC to the Planning Board. In this memo, the PBSC proposes that sidewalks should be required for all new development including common driveways and that waivers should not be granted. If sidewalk construction were not possible due to environmental or topographical limitations, the developer would be required to place 75% of the sidewalk costs into the Carlisle Pathway Trust.

Epstein stated that it would be good to have this as an option to development, but he felt that the PB could not go so far as to prohibit any waivers from the sidewalk requirement. He also asked Belanger if the committee had consulted Town Counsel regarding the legality of extracting such funds from a developer. Abend agreed with Epstein noting that the Board needs to retain some discretion. Epstein suggested that it is important for the PBSC to be represented at PB development discussions.

David Freedman felt that if a waiver is allowed, the developer might seek that option. He said that the PBSC proposal would require either the sidewalk or a donation. Epstein noted that this is not necessarily best and the PB needs to be flexible in order to act in the Town's best interest.

Belanger stated that the PBSC feels that sidewalks on common driveways are equally important since they contribute to area traffic. The Board disagreed; noting that common driveways do not allow increased development, but rather provide for less environmental disruption and fewer curb cuts. Abend was concerned that requiring

sidewalks on common driveways might discourage owners from pursuing such an application. He noted that in some instances a common driveway might serve a single house lot.

Epstein asked the PBSC committee to review the legality and language of their proposal with Town Counsel before proceeding.

**Public Hearing: Common Driveway Special Permits for Buttrick Woods Conservation Cluster, Concord Street, Map 4 Lot 20 (previous permits lapsed due to failure to record within 60 days) [application of Landwest, Inc.]**

The applicant was present along with his engineer Joseph March of Stamski and McNary. Barbara Thissell of Earth Tech was present as the Board's review engineer. The following abutters were also present: Lauren Schmitt and Farshad Nayeri of Audubon Lane.

March presented the green cards as proof that abutters were notified. He then explained that there were no changes made to the original plans. This application was simply being made because the previous plan was not properly recorded within the 60-day time frame.

Mansfield asked Earth Tech for feedback regarding development on the site. Thissell reported that Dale MacKinnon has conducted a recent inspection of the site and found that construction is proceeding as planned. His one recommendation was to vegetate the swales quickly in order to stabilize them. The Board asked if Earth Tech would recommend any changes. Thissell stated that the only concern was that the swales be seeded by winter. March explained that he is planning to do a topographic study before seeding. Wheeler stated that seeding should be completed before the end of the month.

Epstein said that he and many residents are surprised by the extensive clearing for drainage along Concord Road and thought that the development would be less visible. Hara also expressed concern over the minimal planting along Concord Road. Holzman thought there was no problem with the detention pond and Abend felt that the area would soon revegetate naturally as a wetland. March noted that red maples would be planted within the detention pond.

Mansfield explained that an abutter who could not be present this evening, expressed concern over the drainage culvert under Concord Road. With the recent heavy rains, he noticed that water was not draining through this existing culvert. March explained that this was due to the haybales that are required until the soil has been stabilized.

Abend then moved to approve the two common driveways for Landwest, Inc. entitled Buttrick Woods, as shown on the plan prepared by Stamski and McNary dated 11/18/98, last revised on 2/24/99 with conditions as laid out in the previous approval decision dated 2/22/99, with the addition of five cedar trees to be planted, randomly spaced, along the back side of the stone wall, north of the proposed dogwoods at the southerly common driveway entrance. Epstein seconded the motion. Hara moved to amend the motion to specify that the required dogwoods be Chinese Dogwoods or a fungus-resistant strain. The amendment was accepted and seconded and the amended motion was approved 5-0.

**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 Hutchins Road was present for this discussion. Freedman asked if the Town engineers had reviewed the curbing issues raised by residents of the Tall Pines Subdivision. Mansfield presented him with a letter dated 9/7/99 from LandTech to the PB, which states that the curbing has been installed in accordance with the approved plans. Freedman asked if the engineer had also inspected roadway grading. Freedman felt that some areas of the roadway are in excess of a 3% grade, but are without curbing. The Board stated that LandTech would not review the grades until the final as-built plan is prepared.

Epstein thought that the request of the residents was not unreasonable given the drainage concerns, but he thought it would be best to obtain Town Counsel input before opening a Public Hearing. The Board was unsure if it could legally request the developer to install curbing throughout the development at this stage of the process. Epstein asked the PA to pose the following questions to Town Counsel: 1) Is it possible to amend a plan that currently complies? 2) Who would bear the cost of review?

Epstein asked that the request of the residents be forwarded to the developer and that he be asked if he is willing to rectify these problems.

Abend suggested that because this is partly an issue of aesthetics, the developer might be more inclined to install curbing throughout the development if the residents are willing to contribute to the cost. Abend also asked the Planning Secretary to make a note for the Subdivision Rules and Regulations file to investigate the possibility of requiring granite curbing throughout a subdivision if a certain percentage will require granite curbing.

**Review of draft covenant and easements for Wilkins Lane Definitive Subdivision Plan (approved 6/14/99); request for endorsement of plans**

In reviewing the covenant, Epstein suggested that section 2E of the covenant should incorporate item #4 of the Judith Nitsch review letter dated 9/8/99. He also suggested adding the phrase "in accordance with the Planning Board Rules and Regulations" to the 3<sup>rd</sup> line of section 9. His final suggestion was to incorporate the suggestions made by Town Counsel and Judith Nitsch Engineering.

Because of the Columbus Day holiday, the Board rescheduled its first October meeting for Tuesday October 12<sup>th</sup>.

At 11:40 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam  
Recording Secretary