



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

February 28, 2000

- Request from Town Administrator for meeting with Board of Selectmen and Town Counsel to discuss Valchuis v. Planning Board (Berry Corner Lane)**
- Interview of candidates for the position of Town Administrator**
- Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities**
- Notice of receipt of application for Definitive Subdivision Plan for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, and assignment to review engineer**
- Notice of receipt of applications for Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, and assignment to review engineer**
- Review of 1999 Town Meeting Article 33 (citizens' petition) to amend Sec. 5.7 of the Zoning Bylaws, conditions for the grant of a Senior Residential Open Space Community special permit [Request of Selectmen Chaput]**
- Review of articles for annual Town meeting warrant**
- Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants [Motion to approve failed to carry, 2/14/00]**
- Request for comments from Board of Selectmen on application for site plan review to use 7 School Street for business purposes**
- Endorsement of plans: Special Permit for Common Driveway to serve Lots 2 & 3, 646-698 Concord Street, Map 7, Lots 43A and 43-2 (Judith Pettit and John Dowcett, applicants) [Approved 12/13/99]**

Chair Tice called the meeting to order at 7:30 p.m. Members Abend, Epstein, Hara, Lane and Reid were present. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present. Holzman arrived at 7:35 p.m.

The minutes of February 14, 2000 were reviewed and one correction was made. Abend moved and Epstein seconded a motion to approve the minutes as amended. The motion carried 6-0-1 with Abend abstaining.

Request from Town Administrator for meeting with Board of Selectmen and Town Counsel to discuss Valchuis v. Planning Board (Berry Corner Lane)

The Board received a memo from the Town Administrator dated February 18, 2000, which states that Valchuis has requested a meeting with the Board of Selectmen and Town Counsel. The Town Administrator was asking for the Planning Board's recommendation regarding this proposed meeting. Epstein suggested that the PA seek clarification from the Administrator as to why a discussion is being sought with the Selectmen, what the goal of

such a meeting would be and what role the Selectmen would play in such a meeting. He also asked the PA to determine ConsCom's involvement in this discussion.

The PA also noted that Town Counsel Rich Hucksam has sent a response to the plaintiff dated 2/14/00 regarding the request for documents.

(Holzman arrived.)

Interview of candidates for the position of Town Administrator

Mansfield notified the Board that the Board of Selectmen would be interviewing candidates for Town Administrator on Tuesday, February 29th at 7:00 p.m. and on Thursday, March 2nd at 6:30 p.m. All Town Boards and Committees were invited to attend. Hara and Reid agreed to attend on Tuesday and Epstein and Reid would attend on Thursday. Members agreed to e-mail Hara with any questions they had for the candidates. Epstein noted that the Selectmen would also be discussing the disposal of public property on Carriage Way on Thursday, and he agreed to attend this discussion as well.

Buttrick Woods Conservation Cluster

Abend asked the PA if there had been any resolution of the issue concerning the utility poles in this cluster. (In a previous meeting, it was noted that all utilities must be underground and these poles were not part of the approval.) Mansfield explained that the applicant is aware of the problem and is considering seeking an amendment to the plan, or placing the utility under Concord Street. Tice had some concerns regarding drainage at the detention pond. Mansfield agreed to ask the engineer to conduct a site inspection and address both concerns.

Site Plan Review article for Town Meeting

Epstein reported that he spoke with Selectmen Doug Stevenson and he was supportive of an article to enhance the Planning Board's role in site plan review. Epstein agreed to prepare an article for the Selectmen's 3/14/00 meeting. He will circulate a draft to PB members via e-mail.

Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities

Paul Gill and Rick Blum of the Wireless Applications Advisory Committee were in attendance for this discussion.

Holzman explained that he was unable to complete a draft of the wireless rules and regulations because he felt the different applications required different regulations. He felt it was inappropriate to apply regulations requiring a 1000-ft. radius map or a topographical plan to wireless installations on existing buildings. Abend suggested that perhaps the bylaw itself should be rewritten to address these concerns. Epstein noted that sections 5.9.4.1.1 and 5.9.4.1.2 might allow for some flexibility in the rules and regulations and sections 5.9.4.2.2.2 and 5.9.5.2.2.4 refer specifically to new towers. He asked Holzman to code the bylaw and the current draft of the rules and regulations to note which sections apply to new towers, which apply to applications on existing structures, and which apply to both. Epstein agreed to review these and prepare a draft for the Board's review. The secretary was asked to forward electronic copies of the current draft to all PB and WAAC members. The PA was asked to send out the Request for Qualifications for Radio Frequency engineers.

Epstein asked the PA to consult with Town Counsel regarding the PB's discretion in sections 5.9.4.1.1, 5.9.4.1.2 and 5.9.4.1.4 of the bylaw. Specifically, the Board wished to know if the PB could allow flexibility in these areas when writing the rules and regulations to not require some of the information required in the bylaw. Abend suggested requesting a "blanket" request for Town Counsel advice regarding wireless applications. He also noted that MacGregor and Shea might have RF engineers on their staff.

Rick Blum of WAAC explained that the committee is discussing the possibility of making acoustical requirements less onerous, but they will make suggestions when they receive a copy of the latest draft.

Reid suggested looking into grant programs to fund this process and she agreed to research the possibilities.

The discussion was continued to March 13th at 9:00 p.m.

Notice of receipt of application for Definitive Subdivision Plan for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, and assignment to review engineer and Notice of receipt of applications for Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, and assignment to review engineer

The Board assigned Judith Nitsch Engineering, Inc. as review engineer since they had reviewed the preliminary plan. The applicant has chosen to open the public hearing on March 27, 2000 in order to advertise in the *Mosquito*.

Review of 1999 Town Meeting Article 33 (citizens' petition) to amend Sec. 5.7 of the Zoning Bylaws, conditions for the grant of a Senior Residential Open Space Community special permit [Request of Selectmen Chaput]

Reid spoke with Liz Jewell of the Council on Aging. She explained that the seniors prefer single floor living with no stairs. She also suggested that seniors have a variety of needs and want an array of choices in style and size. Reid also spoke with Dorothea Kress of the Housing Authority who noted that senior housing units of 1500 to 1800 sq. ft. sold quickly in other Towns. Smaller units were sold last. Garages and basements are also desirable for storage. Abend mentioned that he and Reid would consider lowering the open space requirement in the SROSC.

Review of articles for annual Town meeting warrant

Epstein reported that he has left a message with Bill McNary to discuss the Conservation Cluster bylaw and is awaiting his response. Regarding a lot regularity bylaw, Holzman reported on research he conducted in other towns. He found that many use a formula similar to area/perimeter². His only concern was that this formula might not work for a porkchop lot. Mansfield suggested that it might be possible to adopt such a formula and exclude the area from the frontage to the building site. Epstein advised that it would be important to present a compelling reason for the change at Town Meeting.

Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants [Motion to approve failed to carry, 2/14/00]

Applicant David Erickson was present with his engineer Joe March of Stamski and McNary and his lawyer Alex Parra. The following members of the public were also present: Karen and Bill Glazier of Kimball Road, Joanne Rainville and John Kovach of Swanson Lane, Don Drinkwater of Fiske Street and Ken Harte of Estabrook Road.

Mansfield explained that Town Counsel has advised the Board that it is not necessary to make another motion to deny the plan. Failure of a motion to approve is sufficient. Reid wished to make it clear that her reason for abstaining from the vote was because she had been away for an extended leave of absence and was not present for a portion of the public hearing. The draft decision was reviewed and the Board approved the draft by a consensus vote.

Because the hearing had not been closed, the applicant asked to present another alternative. Joe March explained that the applicant felt the special permit was denied because no alternative access was presented. He then presented a plan showing a 1000-ft. cul-de-sac road to access the land from Fiske Street. In cooperation with his neighbor, Erickson would then be able to create six lots on this subdivision road.

March then explained that the applicant had asked him to also present a plan showing only one additional lot on Swanson Lane. The lot would have 120 ft. of frontage on Kimball Road and this frontage would not all coincide with the existing common driveway easement. Parcel A and a cistern would still be offered to the Town. On behalf of the applicant, March asked the Planning Board to reconsider its denial decision and to approve the common driveway amendment with the condition that it serve only one additional lot.

Abend was comfortable with the new proposal and also felt that a cistern should not be required, given that another cistern is located within the required 2000 ft. He thought this is an unfair burden to the applicant. Hara noted that the bridge is still a hindrance and thought the second cistern should be required. Tice agreed with Hara. Mansfield reported that in an informal discussion, the Fire Chief had stated that he would require a cistern with only one additional lot.

Abutters asked several questions to clarify the new proposal. Bill Glazier asked why the cistern is located in the buffer zone and asked that other sites be considered.

Hara was concerned that allowing an additional lot in the Tall Pines subdivision would undermine a decision made by an earlier Planning Board. Alex Parra noted that this property is not part of the original Tall Pines subdivision.

Epstein noted that it is very likely that this lot could be endorsed as part of an ANR plan and that it could be served by an individual driveway through its frontage. Therefore, **Epstein moved to reconsider the decision, dated 2/14/00, on the amendment to the common driveway special permit for David and Kristy Erickson.** Abend seconded and the motion carried 5-0-2 with Holzman and Reid abstaining.

Epstein then moved to amend the **Common Driveway Special Permit for Swanson Lane to allow one additional lot access, shown as Lot 1 on a plan of land in Carlisle, MA, dated 2/26/99 entitled Erickson, revised 2/28/00, with lot configuration as shown on said plan, conditioned upon receipt of a revised common driveway plan for new Lots 1 and 19A dated 2/26/99 and further subject to receipt of an acceptable revised common driveway maintenance agreement, and that an acceptable ANR plan be submitted to the Board to include Lots 1 and 19A, that Parcel A to be gifted to the Carlisle Conservation Foundation, that the cistern location be shown on the common driveway plan, and to restrict any additional access onto Kimball Road and to prohibit access to any additional lots via the common driveway.** Lane seconded the motion.

Abend felt that the cistern requirement is burdensome to the applicant. Epstein felt that the PB should not second-guess the Fire Chief's requirements. He suggested that the applicant could discuss options with the Fire Chief. Hara noted that more land is now available and recommended exploring other location options with the Fire Chief.

Abend moved to amend the motion to remove the requirement for a fire cistern. Holzman seconded the motion. Epstein reiterated his concerns while Holzman questioned the need for another cistern. The Board voted 2-4-1 with Abend and Holzman in favor; Epstein, Hara, Lane and Tice opposed; and Reid abstaining. The motion to amend failed.

Epstein moved to amend his motion to state that **a cistern will be included on the plan if required by the Fire Chief and, if required, the cistern will be located as recommended by the Fire Chief.** Lane accepted this amendment to the motion as a friendly amendment.

Kovach asked if a signed common driveway maintenance agreement is required before the plans are approved. The Board confirmed that this is true.

The Board then approved the main motion by a vote of 6-0-1 with Reid abstaining.

Abend moved to continue the public hearing to March 13, 2000 at 8:45 p.m.

Regarding the ANR plan for this property, the applicant granted the Board an extension to March 17, 2000.

Request for comments from Board of Selectmen on application for site plan review to use 7 School Street for business purposes

The applicant Laurie Cadigan and her lawyer Howard Speicher were present. The following members of the public were also present: Brigitte and George Senkler of Curve Street, Ken Bedrosian of Bedford Road, Darragh Murphy of Bedford Road, Suzanne E. Drury of Lowell Street and Karen and Bill Glazier of Kimball Road.

Abend had prepared a draft memo from the PB to the Selectmen, outlining the concerns the Board has with 7 School Street. He noted that the Board could not evaluate setback, drainage, grading, waste disposal and septic location since these items were not shown on the plan. In his memo, Abend described the Board's primary concerns of parking and pedestrian access. He suggested widening the driveway to provide additional on-site parking and creating additional parking on School Street in front of the site.

Andrea Richman, D.M.D. submitted a letter to the Board dated 2/28/00, which Tice read into the record. In her letter, Richman stated that as a business owner in the town center, she is aware of the serious parking problems in this area. She asked that the permit for the real estate office be denied on the grounds that the town infrastructure will not support the additional strain on parking. Tice then reminded the public in attendance that the Planning Board has no authority to deny this plan, it is merely making a recommendation to the Selectmen. Other Board members noted that this site is within the business district and the owners have a right to utilize their property as such.

George Senkler stated that there are several shade trees on the property that would be lost if the proposed expanded on-street parking were implemented. The Board noted that the on-site parking as currently designated is within the residential zone. Brigitte Senkler explained that she has run a satellite real estate office in Carlisle for several years, and she finds that the office is quite busy. She was concerned that others would use the parking spaces in her private lot. She estimated about eight spaces in her lot. Karen Glazier felt that the town center is already very congested and the rotary is confusing. Ken Bedrosian stated that he prefers the quaint atmosphere of Carlisle and was against rezoning in the historic district to allow businesses. The Board explained that this site is already zoned for business and has been in use as a business for approximately 200 years. Suzanne Drury stated that she has lived in the town center for 16 years and is involved in activities at the church and school. She explained that there are many activities at these sites throughout the week and parking is always difficult. She noted that even residents have difficulty parking in their own driveways because of the intense demand on parking spaces. Drury also asked the Board to consider the safety of the school children who walk this route after school.

Mansfield read section 5.3.6 of the bylaw, which states that parking must be provided within the business district.

Howard Speicher noted that the real estate office is an allowed use within the business district and that the parking issues were a prior non-conformance. He felt that there were ten to twelve on-street parking spots directly across from the site on School Street. He thought that the Senklers' concerns could be addressed with a sign in their lot and the applicant would advise her clients on where to park. Speicher then addressed Abend's draft memo and asked the Board to keep in mind the scale of the proposed business use. He felt that the proposed use is less intensive than an earlier use as a tea room. Speicher also asked the Board to consider the aesthetics of widening School Street and adding a sidewalk. He thought this might drastically change the character of the area.

Cadigan explained that the office would be staffed regularly with one employee from 10:00 a.m. to 2:00 p.m. There would also be occasional visits from brokers. She explained that her business has a total of fourteen brokers based in Concord.

Abend felt strongly that a widened driveway should be a minimum requirement to improve the site. He offered to work with the PA to complete the draft memo and circulate it to Board members prior to the next meeting. Epstein suggested that Abend use the provisions of section 7.6.3 of the bylaw as a guideline in addressing this issue. Hara was against creating additional on street parking, which she felt would disturb the historical character of the town

center. Mansfield noted that the plan shows an easement behind the property, but its purpose is not labeled. He thought perhaps this could be used as an access for parking in the rear.

The discussion was continued to 9:45 p.m. on March 13, 2000.

Endorsement of plans: Special Permit for Common Driveway to serve Lots 2 & 3, 646-698 Concord Street, Map 7, Lots 43A and 43-2 (Judith Pettit and John Dowcett, applicants) [Approved 12/13/99]

Mansfield confirmed that the plans have been revised and all documents are in order. The Board endorsed the plans.

At 10:40 p.m. Abend moved and Lane seconded a **motion to adjourn**. The motion carried 7-0.

Respectfully submitted,



Anja M. Stam
Planning Secretary