



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES March 27, 2000

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

Review of Open Space and Recreation Plan

Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, Paul and Helen Hart, applicants

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: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, Albert I. Gould and Betsy E. Goldenberg, applicants

Review of proposed warrant article to amend the Zoning Bylaw regarding Personal Wireless Service Facilities

Special Permit for Reapproval of Accessory Apartment at 9 Timothy Lane, Map 13, Lot 12, Peter and Pamela Schad, applicants (Includes request to waive Public Hearing in accordance with Sec. 5.6.9 of the Zoning Bylaws)

Chair Tice called the meeting to order at 7:30 p.m. Members Epstein, Hara, Holzman, Lane and Reid were present. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present. Abend arrived at 8:36 p.m.

The Board reviewed the minutes of March 13, 2000. Tice made one clarification regarding the utilities in Buttrick Woods. Lane then moved to accept the minutes as amended. Reid seconded the motion and it carried 6-0.

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

David Erickson was present with his lawyer Alex Parra. For the record, it was noted that the Board was in receipt of a memo from the Fire Chief stating that the cistern location shown on the plan met with his approval. The Board had also received a letter from Parra dated March 23, 2000, which included suggested revisions to the draft decision of the common driveway amendment special permit. Epstein asked if the applicant could show that Parcel A had in fact been transferred to the Carlisle Conservation Foundation as stated in the draft. Parra presented the PA with a copy of the deed and a receipt of the transfer. Epstein then stated that he had reviewed the draft decision and recommended that the Board accept the revisions and file the decision. The Board agreed by a consensus vote and directed the PA to file the decision. Reid then moved to close the public hearing for the Amendment to the Common Driveway Special Permit for Swanson Lane. Lane seconded the motion and it carried 6-0.

Review of Open Space and Recreation Plan

Hara reported to the Board that she had reviewed the entire document prepared by the Open Space and Recreation Committee. She asked the committee to verify several facts reported in the OS&R Plan, and correct several typographical errors, but otherwise she found it to be an excellent report. She noted that the committee had received a letter from the Massachusetts Department of Conservation Services, recommending that the section, which ranked parcels of land, be deleted from the document. The Board felt that this was an important resource for the Town and recommended that this section be retained. Hara explained that the committee requires PB endorsement prior to submitting the OS&R Plan to the State. Epstein then **moved to endorse the Open Space and Recreation Plan dated January 2000, subject to the comments proposed by Louise Hara.** Lane seconded the motion and it carried 6-0.

Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, Paul and Helen Hart, applicants

The applicant's attorney, Joseph Shanahan, and engineer, Joseph March of Stamski and McNary, were present. The Board's engineer, Sandra Brock of Judith Nitsch Engineering was present. The following members of the public were also present: Madeline Ohs of Curve Street, Steve Hinton of East Street, Kristine Bergenheim of Palmer Way and Nancy Lyons of Nathan Lane.

March presented the PA with the green cards. Tice then explained that Board member Michael Abend was unexpectedly detained and would be arriving later this evening. Tice further explained that the agenda was very tight and the hearing could not be postponed until later in the evening. March and Shanahan agreed to continue the hearing to the following meeting in order to present the plan to the full Board. Lane then **moved to continue the public hearing to 9:30 p.m. on April 10, 2000.** Reid seconded and the motion carried 6-0.

Drainage Regulations

Tice asked Brock if Judith Nitsch Engineering had made progress on the study of drainage regulations for the Board. She explained that she is awaiting input from the bioengineering group, and will then prepare a final report.

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]

Selectmen Doug Stevenson was present for this discussion and subsequent discussions regarding bylaw amendments.

Reid explained that she has worked with Abend in amending this bylaw and she presented a draft revision. She suggested presenting each section separately. In section 5.7.4.13 she explained that the maximum building size has been increased from 4800 sq.ft. to 6000 sq.ft. She noted, however, that the new figure includes garage space, whereas the old figure did not. She felt that by including this area in the overall dimensions of the building, the developer would have greater flexibility in providing variously sized units without increasing building size. Reid noted that the revised dimensional requirements do not affect the open space requirements.

Section 5.7.4.18 has been revised to reduce the minimum age requirement of at least one resident from 62 to 55. Additionally, she noted that the amendment would require the owner of the unit to meet the minimum age requirement and that no resident may be under the age of 18. She said the condominium association would enforce this regulation and the association could use discretion in reviewing individual cases. Mansfield explained that as part of the bylaw, enforcement authority would belong to the Building Inspector and variances may only be granted for dimensional hardships, not for use. Subsection 5.7.4.18.2 allows for a two-year grace period in the event of the death of the qualifying owner of a unit. While the Board questioned the purpose of requiring the owner to meet the

age restrictions, Reid explained that it was designed to prevent young families from moving into the SROSC. Epstein advised separating this section, and obtaining Town Counsel advice before including it. He also suggested obtaining input from Vivian Chaput and the public during the hearing. Reid agreed to prepare the final draft for Town Counsel review before presenting it to the Selectmen tomorrow.

(Abend arrived.)

Review of amendment to the Zoning Bylaws regarding Site Plan Review

Epstein presented revisions to the bylaw, which would allow the PB to review all non-residential sites in all districts. He noted that currently the PB may only review site plans in the business district. With the revision, the Selectmen would retain the authority to grant permits, but the amendments allow recommendations from other boards. Epstein explained that the revisions are consistent with goals discussed with the Selectmen and that Town Counsel has reviewed the draft. By a consensus vote, the Board agreed to support the amendment as drafted by Epstein.

Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, Albert L. Gould and Betsy E. Goldenberg, applicants

The following members of the public were present: Marty and Victor Lucier of North Road and Chris and Rich Puffer of Rutland Street.

Applicant Albert Gould was present to ask for a continuation of the public hearing. He explained that his engineer and the Board's engineer have not been able to meet to discuss issues raised at the last meeting.

Chris Puffer asked that the proposed screening be sufficient to block lights from traffic. The Board suggested that she bring this up again at the next meeting when the engineer is present.

Mansfield told the Board that he had received a call from Ray Faucher of Great Brook State Park. Faucher had planned to make a report to the Board, but still has questions regarding the trail easements. He will meet with the applicant to resolve these issues. Gould confirmed that he had met with Faucher and conducted a site walk.

Reid moved to continue the public hearing to April 10, 2000 at 8:45 p.m. Abend seconded the motion and it carried 7-0.

Discussion of proposed warrant article to place a conservation restriction of a portion of the Conant Land

JoRita Jordan of the Conservation Commission was present to present this proposed warrant article. Jordan stated that the ConsCom has been asked by the Selectmen to present this article at Town Meeting. She explained that the exact location of the restriction has not been determined because the affordable housing units have not been precisely located. She noted that both the ConsCom and PB support a conservation restriction, but she felt it was premature to impose one at this time. The Planning Board agreed with this statement. Selectman Stevenson explained that residents in Town Center are anxious to place a conservation restriction on the land, and have been asking for this article. The PB agreed to wait until the affordable units have been sited to take a formal position.

Special Permit for Reapproval of Accessory Apartment at 9 Timothy Lane, Map 13, Lot 12, Peter and Pamela Schad, applicants (Includes request to waive Public Hearing in accordance with Sec. 5.6.9 of the Zoning Bylaws)

Applicant Pamela Schad was present. She explained that they are in the process of purchasing this property and expect to close on March 31st. The permit was originally granted in 1995 and they wish to continue use of the accessory apartment as stated in the original permit. Mansfield confirmed that the Building Commissioner has verified that the apartment has been constructed as shown on the plan.

Epstein noted that the purpose of the accessory apartment bylaw was to provide housing for the elderly, young, dependent relatives of town residents, Town employees and those of low to moderate income. Schad explained that the one bedroom apartment is 786 sq.ft. and its rental would likely fall into at least one of these categories.

The PA noted that this application was filed on Thursday and has therefore not been published on the agenda in the Mosquito. Abend was concerned that abutters should be notified, but other Board members felt that, without a change in use, notification is not necessary. Epstein then **moved to reapprove the special permit for an accessory apartment for 9 Timothy Lane pursuant to Section 5.6.9 of the Zoning Bylaw subject to the existing accessory apartment being used for the purposes set forth in Section 5.6.1 of the Zoning Bylaw, and further, that the Board finds that the conditions at the time of the original application remain substantially unchanged and therefore the reapproval does not require a public hearing.** Hara seconded the motion and it carried 6-0-1 with Abend abstaining. The PA was directed to obtain an abutters list from the Assessors office in order to notify abutters.

Reid asked the secretary to make a notation, to discuss at a future meeting, the need for a public hearing for reapproval of an accessory apartment.

Review of amendment to the Zoning Bylaws regarding Lot Regularity

Hara explained that she and Reid had studied other Towns and looked at various methods for calculating lot shape. She noted that the formulas, including the proposed formula ($16A/P^2 > 0.4$), cannot be applied to porkchop lots. They have proposed a separate section to regulate porkchop lots in which any portion of the lot which is less than 40 ft. wide may not be used to calculate minimum acreage requirements. Hara stated that the 40-ft. width was determined based on a recommendation from Land Tech. Land Tech had recommended a minimum width of no less than 20 ft., but advised that a 50-ft. minimum would be more appropriate for larger lots. Abend was concerned that a 40 ft. width would be excessive and felt that a 20 ft. width was sufficient. The majority of the Board, however, preferred the 40-ft. minimum width and asked Hara to draft the final version of this article for the warrant.

Review of proposed warrant article to amend the Zoning Bylaw regarding Personal Wireless Service Facilities

Paul Gill and Rick Blum of the Wireless Applications Advisory Committee (WAAC) were present. Paul Gill is also a member of the Wireless Communications Advisory Committee (WCAC), which drafted the original bylaw. Marilyn Saunders of Canterbury Court was also present.

Gill presented a draft of revisions based on a meeting he had with Town Counsel Kathryn Palmer on Friday 3/24. Gill asked that this article be sponsored by the PB since it has not been reviewed by the WCAC. Epstein asked Gill if he thought any revisions might be objectionable to the WCAC. Gill did not think they would be.

Gill presented an overview of changes as follows: 1) minimum noise requirements were removed, 2) modifications that do not require a new application have been defined, 3) the bylaw has been made more compatible with the PB rules and regulations, 4) monitoring requirements are defined by demonstrating adherence to FCC regulations and 5) specific monitoring requirements will be included in the PB rules and regulations.

The members of the PB and WAAC then proceeded to review each item. There was much discussion on the definition of "modifications" and "exempt modifications." The Board eventually asked Gill to delete this section and require that, except for repairs, all modifications require PB review.

Several sections were removed from the bylaw and are to be incorporated into the wireless rules and regulations.

After consensus was achieved, Gill agreed to revise the draft as discussed and e-mail the changes to Epstein. The final draft would then be forwarded to Town Counsel via e-mail, to be drafted as a warrant article. Epstein was

concerned that Town Counsel might not be willing to prepare the article under the retainer agreement. Doug Stevenson agreed that he would work with Town Counsel and Town Administrator David DeManche to prepare the final draft of the warrant article.

The Board agreed to discuss the Rules and Regulations for Personal Wireless Service Facilities on April 10, 2000 at 10:15 p.m.

Mansfield agreed to forward the site plan review bylaw to DeManche, and Reid agreed to prepare the final draft of the SROSC bylaw in the morning. The PA also offered to forward the lot regularity bylaw to Land Tech for review before completing the final draft. Mansfield will post hearing times for all warrant articles for the April 24, 2000 meeting.

At midnight Abend moved and Reid seconded a **motion to adjourn**. The motion carried 7-0.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anja M. Stam".

Anja M. Stam
Planning Secretary