



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

July 31, 2000

Review of alteration of drainage easement area within Lot 15, Pine Meadow Definitive Subdivision Plan, Maple Street, Map 13, Lot 76-15 (Plan approved 5/27/97)

Public Hearing: Proposed Rules and Regulations to administer Sec. 5.9 of the Carlisle Zoning Bylaws, Special Permits for Personal Wireless Service Facilities (Bylaw amendments approved 5/3/00)

ANR Plan: Off Oak Knoll Road and Nickles Lane, Map 25, Lot 15, Jonathan and Anne Longley, applicants

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 (Approved with conditions 5/22/00)

Continued 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 (Approved with conditions 5/8/00)

ANR Plan: Off East Riding Drive, Map 13, Parcel 23, William Costello Realty Trust, applicant

Notice of boundary dispute by abutters to Maplewood Subdivision

Chair Epstein called the meeting to order at 7:30 p.m. Members Hara, Holzman, Lane, Reid and Zinicola were present. Planning Administrator George Mansfield and *Mosquito* reporter Iris Jones were also present. Member Abend arrived after approval of the minutes.

Reid moved and Zinicola seconded a motion to accept the minutes of 7/17/2000 as drafted.

Review of alteration of drainage easement area within Lot 15, Pine Meadow Definitive Subdivision Plan, Maple Street, Map 13, Lot 76-15 (Plan approved 5/27/97)

David Bellinger, owner of Lot 15 was present. Joe March of Stamski and McNary represented Pine Meadow developer Bill Costello. Kathleen Coyle of Maple Street was also present. As an abutter to this property, Abend recused himself from the Board during this discussion.

Mansfield reminded the Board that at the last meeting it was reported that Lot 15 of this subdivision has a drainage easement to a natural depression or wet pocket on the property, and that the owner of this lot has filled the bottom of the basin with crushed stone. The Board had asked for a review of the situation by the Board's engineer. In a 7/20/2000 memo from Land Tech, Mark Sleger recommended removal of the stone and restoration of the vegetation to allow the basin to function as designed. Jay and Luisa Heard of 232 Maple Street submitted a letter to the Board today requesting that the "kettle hole" be returned to its natural state immediately.

March agreed with Sleger's assessment and justification for restoration of the wet pocket. Bellinger admitted that he is not an engineer and said that he is interested in protecting the neighborhood children. He stated that the kettle hole is approximately 9 feet deep and that in the spring the hole fills with approximately 3 feet of water. He felt that adding approximately 12 inches of stone would make the hole safer. Bellinger thought that this hole should not have been used as drainage for Davis Road.

Kathleen Coyle stated that she has lived at 125 Maple St. since 1968 and has never heard of anyone falling into the hole. She noted that when the development was originally planned, this hole was reviewed and found to be of glacial origin. Although it was not certified as a vernal pool, it is inhabited by wetland creatures. She asked that the kettle hole be returned to its original state.

Mike Abend felt that this hole is no different than other wetland areas located along Maple Street. He thought it would be unreasonable to fence in all wetlands, however, he did think that perhaps the hole could be left as it is temporarily until a better alternative is agreed upon.

March explained that Costello no longer owns Lot 15 and the Town already owns the drainage easement. Therefore, he said, Costello no longer has the right to access this property. March felt that the roadway could still be drained properly if the stone is left in the hole. He also noted that the drainage patterns to this hole have not been changed with the development of this property and that the water standing in the hole in the springtime is simply elevated groundwater. The Board noted that Costello might still have an interest in resolving this situation in order to obtain a certificate of completion for the subdivision.

Epstein preferred to have the wet pocket restored to its original state immediately. He felt the Board should not allow individuals to change plans without obtaining appropriate approvals. He also noted that when this plan was originally discussed in public hearing, this particular issue was looked at carefully and hotly debated. He was not inclined to revisit the issue at this time.

Holzman noted that removing the stone may cause further damage, and thought it prudent to wait until a final decision is made regarding safety of the wet pocket. Other Board members agreed to give Bellinger a short period of time to consult with the developer and the Board's engineer, and to decide on how to proceed.

Mansfield informed the Board that the Town is required to pay for public hearing notification if anyone other than the applicant requests an amendment to the plan. Epstein advised Bellinger to work with Costello and Sleger to resolve this issue and, if necessary, to propose an amendment to the plan for a public hearing on 9/11/2000.

Public Hearing: Proposed Rules and Regulations to administer Sec. 5.9 of the Carlisle Zoning Bylaws, Special Permits for Personal Wireless Service Facilities (Bylaw amendments approved 5/3/00)

Paul Gill, David Keast and Bob Hambleton of the Wireless Applications Advisory Committee (WAAC) were present.

Epstein explained that the Planning Board has been working with the WAAC since fall 1999 to draft rules and regulations to accompany the Wireless Bylaw.

Keast recommended that the term "tower" in Sec. 2.C.5 be changed to "personal wireless service facility."

Hambleton recommended that the Board define the term "a qualified RF engineer." This was discussed and the Board agreed to change the term to "a Radio Frequency (RF) engineer, with qualifications acceptable to the Planning Board." Several other minor revisions were made and then Abend moved and Reid seconded a motion to close the public hearing. The motion carried 7-0.

Reid then moved to adopt the rules and regulations dated 7/__/00 with the following revisions: 1) In Sec. I, paragraph 4, the term "Special Granting Authority" should be changed to "Special Permit Granting Authority;" 2) references to "Wireless Service Facilities" shall be changed to "Personal Wireless Service Facilities" throughout the document; 3) "a qualified RF engineer" shall be changed to "a Radio Frequency (RF) engineer, with qualifications acceptable to the Planning Board" throughout the document; 4) In Section II.C.5 the term "tower" shall be changed to "personal wireless service facility." Abend seconded the motion and it carried 7-0. The Secretary was asked to make these changes to the rules and regulations as soon as possible and to make them available to the public.

ANR Plan: Off Oak Knoll road and Nickles Lane, Map 25, Lot 15, Jonathan and Anne Longley, applicants

Jonathan Longley and his engineer, John Boardman of Ross Associates, were present. Abutter David Kelch of Oak Knoll Road was also present.

For the benefit of new Board members, Boardman briefly outlined the history of this property and the proposed subdivisions known as "Hunters Run" with 12 lots and "Deer Creek" with 7 lots. Hunters Run was denied in July

1997 and subsequently entered litigation. The preliminary plan for Deer Creek, prepared for the Kydds, was approved with conditions in June 1999. The property is now owned by the Longleys and they are proposing two ANR lots for this property. Lot 1 will consist of 10 acres accessed from Oak Knoll Road and Lot 2 will consist of 18 acres off Nickles Lane.

Longley explained that if the ANR plan were endorsed, the Kydds would drop their current suit against the Planning Board regarding this property.

Reid moved to endorse the Plan of Land in Carlisle, MA prepared by David E. Ross Associates for Jonathan R. Longley and Anne Longley dated 7/2000 as Approval Not Required. Lane seconded the motion and it carried 7-0.

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 (Approved with conditions 5/22/00)

The applicants were present. Mansfield noted that in addition to phone calls and a site visit, he had had at least four meetings with Mr. Gould since the last PB meeting. He explained that with the exception of the Roadway Agreement, all legal documents for the subdivision, conservation cluster and common driveway have now been received. Mansfield has drafted but not filed the certificate of approval. The two special permit decisions must still be drafted. He reminded Gould that the final version of the plans must show the stone bound at the trail easement and the easements for the fire cisterns. The PA also noted that the Board has received a letter from Town Counsel dated 7/28/00, reviewing Great Brook documents dated 7/21 and 7/25/2000. Revised documents from Gould, dated 7/27 and 7/31/2000 have been forwarded to Town Counsel for review.

Mansfield then described his site visit, where Gould and Gary Davis of DPW were also in attendance. They reviewed the sketch plan for improvements to Rutland Street. Davis agreed to the improvements suggested by Abend, and Gould agreed to reimburse the Town for this expense.

The Board then discussed the proposed restrictive covenant and asked Gould to explain the need for some of the restrictions, specifically minimum house size, no gardens and type of animals. Gould explained that size is not a critical issue and this restriction was simply patterned on other restrictive covenants already in use in Carlisle. Epstein said that the Board only learned of these other covenants today, and asked if Gould could show where he obtained this wording. Gould noted that it came from a variety of sources, but the Buttrick Woods covenant had similar wording. Mansfield explained that with Buttrick Woods, the covenant was drafted after approval, and therefore not reviewed by the Board. Abend preferred to have the homeowners association approve a covenant after the PB approves the subdivision. Epstein said that he is concerned about the 4000 sq. ft. minimum house size and is still reviewing this issue with Town Counsel.

The Board noted that the covenant as written would exclude horses from the property. Gould stated that this was not his intention and that a clause in the covenant states that it must be in-line with the Town's bylaws. He felt that the homeowners agreement is intended to be shaped by those who will live in this development. Gould stated that his main concern regarding pets is living near chickens and roosters. He noted that roosters can be loud, and with two-acre lots a rooster would disturb the neighbors. Holzman thought that such controls are included in the zoning bylaws. The Board suggested that Gould remove the design standards and minimum square footage requirement from the covenant and include these in a homeowners agreement if desired. Gould agreed to do so and e-mail the revised draft covenant to the Board prior to the next PB meeting. The Board also noted that it should draft a model covenant to avoid such concerns in the future.

Abend moved to direct the PA to file the Certificate of Approval for the Definitive Subdivision Plan entitled Great Brook Estates. Reid seconded the motion and it carried 7-0. Reid then moved to continue the public hearing to 8/21/2000 at 7:35 p.m. Abend seconded and the motion carried 7-0.

Continued 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 (Approved with conditions 5/8/00)

Attorney Joseph Shanahan represented the applicant.

Mansfield updated the Board on the documents required for this application. On 7/25/2000 the PA received a draft subdivision covenant from Shanahan and this has been forwarded to Town Counsel for review. Mansfield noted that there is one more week in the appeal period for the special permits filed with the Town Clerk. Prior to endorsement of the subdivision, a signed deed for Parcel X is required. A deed to Parcel Y and trails easement and fire protection easement documents are required for the conservation cluster. A private road maintenance and utilities agreement is required for the subdivision. Abend thought that the requirement for a roadway agreement should be waived since the road is to remain private. Shanahan noted that the decision has already been filed, but he agreed to provide a cover letter stating that the roadway shall remain private.

Regarding the restrictions and declaration of covenants, Shanahan agreed that the minimum square footage requirement could be eliminated, but at this point, a change to the restrictive covenant would require an amendment since it has been filed as part of the decision approving the conservation cluster special permit. He did not wish to extend the appeal period for this amendment.

Abend moved to continue the public hearing to 8:00 p.m. on 8/21/2000. Reid seconded the motion and it carried 7-0.

ANR Plan: Off East Riding Drive, Map 13, Parcel 23, William Costello Realty Trust, applicant

Mansfield explained that this ANR plan creates frontage for Brian Anderson on the proposed Carriage Way subdivision road. Abend moved and Lane seconded a motion to endorse the Plan of Land in Carlisle, MA prepared by Stamski and McNary for William Costello Realty Trust, dated 7/26/2000 as Approval Not Required. The motion carried 7-0.

Notice of boundary dispute by abutters to Maplewood Subdivision

According to a July 14, 2000 letter received from Peter L. Puciloski, attorney for Martin C. Schafer and Janet L. Sacks, their lot line extends approximately 12 feet into the Maplewood subdivision road right-of-way, currently under construction. They have requested that the Board not consider acceptance of this roadway until this dispute is resolved. The Board asked the PA to acknowledge receipt of the attorney's letter and to keep the Board informed of the situation.

The Board also reviewed a letter from the Board's engineering consultant, Earth Tech, which reported on a final inspection of the site and identified several "punch list" items.

Mansfield was asked to request that Earth Tech contact the Westford Fire Chief regarding inspection of the fire cistern at Maplewood, and to ask the Board of Health for assistance in inspecting the drywells.

At 10:36 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,


Anja M. Stam
Planning Board Secretary