



# Town of Carlisle

MASSACHUSETTS 01741

Office of

*PLANNING BOARD*

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

## MINUTES

August 21, 2000

**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)**

**Discussion of 2000-2001 Planning Board goals and objectives**

Chair Epstein called the meeting to order at 7:30 p.m. Members Abend, Hara, Lane and Reid were present. Planning Administrator George Mansfield was also present.

Reid moved and Hara seconded a motion to accept the minutes of 7/31/2000 as drafted.

Regarding **budget** matters, Mansfield reported that he and the Chair met with Selectman Doug Stevenson and Town Administrator Madonna McKenzie to discuss payment for Town Counsel services. The previous Town Counsel, Kopelman and Paige, had been paid on an hourly basis from the Planning Board budget, while many of the services provided by new Town Counsel, Deutsch Williams, are covered under a retainer paid by the Board of Selectmen. Town Counsel expenses are no longer paid directly from the Planning Board budget and therefore the Selectmen have asked the PB to review its Professional/Technical (01174) account to determine if some of the funds could be forwarded to the Selectmen for payment of legal expenses.

At this meeting, it was also decided that the Town Administrator would forward all bills from Town Counsel to the PB for review and sign-off. The PB was also asked to channel all requests for Town Counsel services through the Town Administrator's office. Requests will be reviewed to determine if they fall within the retainer or an estimate will be provided. McKenzie will also review the requests to determine if they should be paid by the Town or from project review fees provided by the applicant.

Epstein asked Board members to look at the \$4500 in the 01174 account prior to the next PB meeting and consider what amount the Planning Board should retain for engineering services, and what amount should be forwarded for legal services. A chart of 01174 expenditures in previous years was provided for the Board's review. Reid noted that it would be helpful to understand how that money was used each year.

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The applicants were present with their engineer, Gary Shepard of David Ross Associates.

Shepard presented plans dated 8/21/00 showing the revisions requested by the Board. Fire cistern easements were shown near Rutland Street and at the end of the common driveway. Two additional concrete bounds were shown on the conservation cluster plan in order to define the open space parcel. Hara asked if these bounds could be granite. After some discussion, the Board asked Shepard to specify granite bounds rather than concrete.

The Board reminded the applicant of a letter from Susan W. Smith, dated 6/12/00, requesting that the developer choose a name other than "Farnham Smith Lane" for the common driveway in the cluster. Gould explained that he faxed a letter to the Fire Chief requesting that the name be changed to "Tanglewood Way" and Koning notified him via telephone today that the name change is acceptable.

Mansfield reviewed the covenants, easement documents and draft decisions. The Board asked the applicant if he expected that the paragraphs removed from the Master Protective Covenant would be included in a homeowner's agreement. Gould felt that the drafting of the homeowners' agreement would depend on PB action this evening. He also intended this agreement to be amendable by future homeowners within the limits of the zoning bylaw and special permit approvals.

The Board discussed the paragraphs in the Master Protective Covenant that it found objectionable. Lane and Reid thought that future applicants should be discouraged from drafting covenants that dictate minimum size and design requirements, but felt that given that this issue was only recently brought to the Board's attention, this application should be allowed to proceed unchanged. Other Board members thought that at the very least, the minimum size requirement should be eliminated from the homeowners' agreement. After some discussion all Board members agreed to the latter. The Board planned to look into revising the rules and regulations in the future in order to encourage a variety of housing types and to discourage minimum house sizes and specific architectural design requirements.

Gould offered to include a paragraph in the Master Protective Covenant stating that there shall be no restrictions on minimum house size. This would then include homes in both the subdivision and the conservation cluster. The Board accepted this change.

Mansfield noted that the subdivision completion date in paragraph 11 of the Restrictive Covenant should be changed from 8/21/2007 to 8/21/2002.

Reid moved to reconsider the decision of the Special Permit for Great Brook Path Common Driveway and the Special Permit for Great Brook Conservation Cluster for Albert Ira Gould and Betsy Ellen Goldenberg, both dated 5/22/00. Abend seconded the motion and it carried 5-0.

Reid then moved to approve the Common Driveway Special Permit dated 5/22/00 as previously approved, changing the name in condition #3 from "Farnham Smith Lane" to "Tanglewood Way." The motion was seconded by Abend and approved 5-0.

Next, Reid moved to approve the Conservation Cluster Special Permit dated 5/22/00 as previously approved with the following changes: 1) the name in condition #2 shall be changed from "Farnham Smith Lane" to "Tanglewood Way" and 2) a new condition shall be added after condition #4 stating that there shall be no restriction on the property subject to this special permit requiring a minimum house size. The motion was seconded by Lane and unanimously approved.

Abend moved to appoint Reid as temporary acting clerk in order to sign documents related to the filing of Great Brook Special Permits. Reid seconded and the motion carried 5-0.

Abend then moved to continue the Public Hearing to 8:00 p.m. on 9/11/00. Lane seconded and the motion carried 5-0.

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Shanahan reviewed all the documentation and noted that each document now includes an "Assent from the Mortgagee." Epstein explained to other Board members that this was necessary on every document in case the bank

forecloses on the property. Shanahan explained that the Harts have been on vacation and have not been able to sign all documents. They are returning this evening. He requested that the plans be endorsed this evening and Mansfield will retain the mylars until Shanahan presents the covenants with the Harts' signatures tomorrow. The Board agreed that this would be the most efficient way to proceed.

Mansfield reported that he met with the contractor, Mass Paving, and ConsCom Administrator, Sylvia Willard, at the site today. He explained that the limits of clearing for the roadway and siltation barriers have been staked, and he recommended conducting site visits at this stage for future developments as well. Mansfield noted that 10 significant trees, mostly pines, are located on the edge of the right-of-way and are indicated for removal on the plan. The contractor has stated that it is likely that most of these trees could be retained and Mansfield and Willard requested that he try to do so.

After the Board endorsed the subdivision, conservation cluster and common driveway plans, Abend moved to close the simultaneous hearings on Hart Farm Estates. Lane seconded the motion and it carried 5-0.

**Discussion of 2000-2001 Planning Board goals and objectives**

Epstein offered to draft the rules and regulations for "Site Plan Approval." He asked the Secretary to provide him with regulations and/or bylaws from other communities.

Several Board members expressed interest in participating in the American Planning Association's audio conference series. The conference on *Affordable Housing* was seen as having highest priority, but members felt that the conferences on *Economic Development and Changing Communities* and *Science in Planning* would also be helpful. Mansfield was asked to contact the Board of Selectmen, the Housing Authority, the Municipal Land Committee and the Town Administrator to see if other Town boards or committees would be interested in attending.

Epstein asked the Board to review the Board's goals and objectives and prioritize them before the next meeting. He suggested that the next meeting begin with discussion of possible amendments to Conservation Cluster as suggested by MAPC Conservation Subdivision Design seminar and reports.

**Carriage Way**

Mansfield advised the Board that it might be presented with an ANR plan for Carriage Way at the next meeting. He explained that Parcels X-2 and X-3 must be conveyed to the Town in order that the Town-owned lot may be sold back to the developer.

At 9:40 p.m. Abend moved and Lane seconded a motion to adjourn. The motion carried 5-0.

Respectfully submitted,



Anja M. Stam  
Planning Board Secretary