



Town of Carlisle

MASSACHUSETTS 01741

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Office of
PLANNING BOARD

MINUTES
September 11, 2000

- Discussion 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)
- 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)
- Notice of receipt of Site Plan for #147 School Street, for review and recommendations to the Board of Selectmen in accordance with Sec. 7.6 of the Zoning Bylaws (submitted by Carlisle Congregational Church on 9/8/00)
- Request by MAPC for data from Planning Board files to carry out buildout analysis for Carlisle as part of statewide EOE A project Discussion of 2000-2001 Planning Board goals and objectives
- Discussion of Conservation Clusters as suggested by MAPC Conservation Subdivision Design Seminar and reports (Request of Reid and Hara)
- Request for Planning Board to consider relief from conditions of Buttrick Woods Conservation Cluster and Common Driveway Special Permits that require completion of driveways and utilities prior to issuance of occupancy permits (Request of Kevin Balboni)

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

Reid moved and Abend seconded a motion to accept the minutes of 8/21/2000 as drafted. The motion carried 5-0-2 with Holzman and Zinicola abstaining.

Mansfield updated the Board on the **Wage and Classification Study**, explaining that the Town Administrator is working with a member of the Personnel Board, to revise job descriptions for the secretarial staff in order that they may all be classified at the same level.

The Board then discussed use of the **Professional and Technical** line item in the budget. Epstein explained that with the Planning Board's legal expenses now covered by a retainer, a portion of this line item might be returned to the Town's general fund. Reid advocated retaining a certain amount in this line item to be used for special projects such as the MAPC buildout analysis, drafting of site plan rules and regulations and implementation of a GIS system. The Board considered the merits and possible cost of these various projects and concluded that more time is needed to assess the amount needed in this line item. The PA was asked to communicate this to the Town Administrator.

Discussion 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)

Mansfield reminded the Board that on 7/31/00, lot owner David Bellinger came before the Board to explain why he filled the wet pocket within the drainage easement. At that time the Board had asked Bellinger to consult with the Town's engineer, Mark Sleger, and developer, William Costello, to resolve this issue and, if necessary, propose an amendment to the plan. The PA explained that he had not heard of the issue again until he received a letter from Attorney Gallogly today, stating that Costello no longer has rights to Lot 15 or the easement and therefore cannot force the lot owner to restore the wet pocket.

Epstein noted that at this point it appears that only the Selectmen have authority over this easement. The PA was directed to draft a memo to the Selectmen asking them to respond to the situation and consult with Town Counsel if necessary. The Board also asked the PA to draft a letter to Costello to make him aware that if this issue is not resolved, the PB will not be able to issue a certificate of completion.

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 with their engineer, Gary Shepard of David Ross Associates. Wayne Davis of the Conservation Restriction Advisory Committee (CRAC) was also present.

Shepard explained that the appeal periods for the subdivision plan and the two special permits have expired without appeal. He showed that the common driveway name of Tanglewood Way and the locations for granite bounds have been specified on the Common Driveway and Conservation Cluster plans.

Epstein noted that there is still a question of whether or not the Conservation Restriction has been drafted in accordance with the zoning bylaw sec. 5.5.2.8. Wayne Davis explained that the CRAC would like the Planning Board to require permanent conservation restrictions in conservation clusters for all land not donated to the Town or a conservation organization. He explained further that M.G.L. Ch. 184, Sec. 32 would protect the conservation restriction in perpetuity and allow the Town, or Town agent to enforce the restriction. He noted that because the Ch. 184 process is at the State level, a Town Meeting vote could not remove the restriction without approval from the State legislature. Davis stated that the CRAC would like the PB to make applicants aware of this form of restriction earlier in the approval process. He said that the CRAC intends to assist landowners in obtaining Ch. 184 restrictions in the future. For the Great Brook application, Davis felt that the language proposed by Town Counsel would be sufficient to protect the conservation restriction.

The applicants agreed to add the following to the end of section 3 on the document entitled "Reservation of Easements and Conservation Restrictions:"

"The Declarant intends this restriction to be permanent and run with the land, and hereby grants to the Board of Selectmen of the Town of Carlisle ("Town") and to any political subdivision of the Town succeeding to the rights and obligations of the Planning Board, the right to enforce this restriction to the fullest extent permitted under the laws of the Commonwealth of Massachusetts, in common with all others entitled to enforce such restrictions."

Reid agreed to attend the Selectmen's meeting Tuesday night to explain this document to the Board and to assist Gould in obtaining their signatures. The Planning Board endorsed the subdivision plans, but retained the common driveway and conservation cluster plans until the "Reservation of Easements and Conservation Restrictions" was signed by the Board of Selectmen. (Following the Selectmen's approval of the above document, the PB endorsed the special permit plans on 9/13/00 and presented them to the applicant.)

Abend moved to continue the public hearing to 8:00 p.m. on 9/25/00. The motion was seconded by Reid and carried 7-0.

Fall Meeting Schedule

The Board agreed to continue meeting on the second and fourth Mondays through December with the exception of Columbus Day on 10/9/00 and Christmas Day on 12/25/00.

Notice of receipt of Site Plan for #147 School Street, for review and recommendations to the Board of Selectmen in accordance with Sec. 7.6 of the Zoning Bylaws (submitted by Carlisle Congregational Church on 9/8/00)

Mansfield informed the Board that this Site Plan has been received and that, according to the zoning bylaw, the PB has until 10/13/00 to provide a recommendation to the Board of Selectmen. The PA was directed to contact the Board of Selectmen to request reimbursement for engineering review. Contingent upon approval for reimbursement, the Board asked the PA to then forward the site plan to Judith Nitsch Engineering for review.

Copies of the site plan and landscape plan were also requested for each Board member. Review of this site plan was scheduled for 8:10 p.m. on 9/25/00.

Request by MAPC for data from Planning Board files to carry out buildout analysis for Carlisle as part of statewide EOEa project

Mansfield explained that he is not yet sure what this project will involve, but expects to be contacted by a representative of MAPC in the near future.

Discussion of Conservation Clusters as suggested by MAPC Conservation Subdivision Design Seminar and reports (Request of Reid and Hara)

Reid said that they are still awaiting a copy of the model Conservation Subdivision bylaw, but she gave an overview of the proposal discussed at the seminar. She explained that the model allows for a parcel of land to be developed completely as a cluster, rather than first obtaining frontage from a subdivision road. She also noted that important features and topography are considered prior to dividing the parcel into lots allowing optimal use of the land. The main difference between the proposed model and Carlisle's Conservation Cluster bylaw is that the model would encourage the Town to consider alternative sewage disposal, such as a clustered or group septic systems.

Epstein noted that this proposal is very similar to the Open Space Neighborhood Bylaw proposed at previous Town Meetings. He advised Reid and Hara to address concerns raised there, specifically lots smaller than two acres, lack of set backs, property values, and BOH concerns with septic and well placement. He also recommended that they read Terry Szold's review of the Conservation Cluster Bylaw and Mark Bobrowski's Open Space Neighborhood proposal.

The Board also discussed providing incentive to developers to pursue special permit options. Reid explained that at the seminar it was suggested that the by-right subdivision should be limited in order to encourage other options. As an example, some communities allow only a 5-lot subdivision by right. All other development would require a special permit.

Reid and Hara said that they plan to review the model bylaw when it becomes available, to see if it would be adaptable to Carlisle. They also hope to incorporate a provision for low-moderate income housing.

Lane offered to inquire about the status of the model bylaw when he attends the MAGIC meeting on 9/14/00.

Request for Planning Board to consider relief from conditions of Buttrick Woods Conservation Cluster and Common Driveway Special Permits that require completion of driveways and utilities prior to issuance of occupancy permits (Request of Kevin Balboni)

Mansfield explained that Balboni has decided not to pursue the request at this time.

Hara noted that in addition to roadway and utilities completion, the Town must have the deed to the Buttrick Woods open space parcel prior to issuing a certificate of completion. Mansfield said that the applicant's attorney has been notified, but he agreed to forward a letter directly to the applicant as well.

At 10:30 p.m. Abend moved and Epstein seconded a motion to adjourn. The motion carried 7-0.

Respectfully submitted,



Anja M. Stam
Planning Board Secretary