



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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

MINUTES  
October 23, 2000

- Update on 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 amendments to the Carlisle Zoning Bylaws
  - Conservation Clusters, Sec. 5.5.2.8
  - Special Permits, Sec. 7.2
  - Private Driveways – Drainage, Sec. 5.4.3
- Review of Site Plan for #147 School Street to prepare 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)
- Informal discussion of proposed amendment to Common Driveway Special Permit for 299 Bedford Road (Request of Richard West)
- Discussion of Carlisle Footpath Plan (Request of Pedestrian and Bike Safety Advisory Committee)
- ANR Plan: 706 West Street, Map 6, Parcels 61 and 62, J. Arthur Taylor and Edward and Marjorie Getchell, applicants
- Request for release of Lot 3 from Restrictive Covenant for Wilkins Lane Definitive Subdivision Plan (10/12/99) and proposal to substitute tri-party agreement for covenant at a later date (Request of William Costello)
- Request for release from tri-party agreement and for Certificate of Completion and/or extension of time for completion of Tall Pines Definitive Subdivision Plan (7/9/90) (Request of William Costello)
- Request to endorse Land Court Plan for the Carriage Way Subdivision (Request of Richard Gallogly)
- Report to Board on compliance with conditions of Buttrick Woods Conservation Cluster and Common Driveway Special Permits that require completion of driveways and utilities prior to issuance of occupancy permits

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

Abend made one change for clarification. Zinicola moved and Hara seconded a motion to accept the minutes of 9/25/2000 as amended. The motion carried 5-0-1 with Lane abstaining.

### Appointee to the Conservation Restriction Advisory Committee (CRAC)

Tara Hengeveld is resigning from the CRAC and Wayne Davis has asked the Planning Board to recommend another appointment to the Board of Selectmen. As none of the Board members present could commit to this position, Epstein asked them to reconsider the appointment prior to the next meeting.

### Update on 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)

Abend recused himself from this discussion. Mansfield explained that he is scheduled to visit the site tomorrow with the Town Administrator, the ConsCom administrator and with Gary Davis of DPW. They plan to determine whether the source of water in this wet pocket is primarily from ground water or from roadway drainage. Epstein informed the Town Administrator that the PB requires funds for an engineer's review of this situation. Because the developer is no longer responsible for this drainage easement, Epstein requested that Mr. Bellinger, the owner of Lot 15, provide these funds.

## **Public Hearing : Proposed amendments to the Carlisle Zoning Bylaws**

Sarah Brophy, the Town Moderator, was present.

**Conservation Clusters, Sec. 5.5.2.8** – Epstein explained that the term “or trust” would be added in order to be consistent with the section immediately preceding Sec. 5.5.2.8. The phrase would now read, “In the case of corporate or trust ownership, “ to require that all privately held open space in conservation clusters be put under permanent conservation restriction. Epstein requested public comment, but none was made.

**Special Permits, Sec. 7.2** – The second paragraph of this section would be amended by deleting “and” in the fourth line of that paragraph and replacing it with a comma, and adding “and Section #5.9 (Personal Wireless Service Facilities)” to the end of the paragraph, thus removing from the Board of Appeals the special permit granting authority for wireless facilities special permits. This is consistent with Town Meeting action on November 2, 1999, and May 3, 2000. There was no public comment on this proposed amendment.

**Private Driveways – Drainage, Sec. 5.4.3** – This section would be amended by adding at the end of this section the sentence, “This shall not prevent a portion of the driveway apron within the public right-of-way from sloping towards the public roadway.” Mansfield explained that this is necessary to be consistent with the Planning Board’s Rules and Regulations Governing the Subdivision of Land, which seek to prevent surface water from roadways from draining onto individual driveways. The PA added that the proposed amendment has been reviewed and approved by Gary Davis of DPW. Epstein asked Mansfield to obtain approval from the Fire Chief as well. Hara asked if this amendment helps lot owners in the event that an existing roadway is resurfaced and as a result slopes toward an individual driveway. Mansfield stated that this amendment would not remedy such a situation.

Sarah Brophy requested that the Board select presenters for each motion prior to Town Meeting and to submit these along with the final wording of the motion to the Town Administrator. Brophy said these will be recorded in a Moderator’s notebook for her to use at Town Meeting on November 14<sup>th</sup>. The Board agreed to do so, noting, however, that final wording of the motions is submitted by Town Counsel.

Epstein moved to recommend approval of these three zoning amendments at Town Meeting. Abend seconded and the motion carried 6-0. Epstein then moved and Abend seconded a motion to close the public hearing. It also carried 6-0.

## **Review of Site Plan for #147 School Street to prepare 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)**

Engineer Joe March of Stamski and McNary was present to represent the applicant and Sandra Brock of Judith Nitsch Engineering was present as the Planning Board’s review engineer. Fire Chief Bob Koning was present as well as Kirk Ware, Love Seawright and Beverly Porter of the Congregational Church.

A new site plan had just been submitted that afternoon, and March stated that this plan addresses all comments made by Judith Nitsch Engineering other than the requirement for 100-year storm calculations. He explained that in the absence of site plan regulations, they chose to design using 10-year storm calculations. According to March, using the 100-year storm calculations would require a 50% larger detention pond and extensive tree removal. He reasoned that with no other development behind this site, a level spreader from the detention basin could handle any significant storm by dispersing water into the nearby wetlands. He also felt that since the Town will not assume responsibility for maintenance of the detention basin, designing for a 100-year storm should not be required. He noted that a swale has been added along the southern boundary of the property to protect the abutter and direct drainage to the detention pond.

Brock confirmed that all concerns had been addressed, apart from the 100-year storm calculations. She stated that different Towns have different requirements for site plan calculations. She agreed that a detention pond designed

for the 100-year storm might not be appropriate for this site. Brock asked that March simply calculate the drainage to see the potential impact of a 100-year storm and show that the emergency spillway would be able to adequately handle such a storm.

Koning stated his concerns about access for safety vehicles. He asked that no fence be constructed between the church and school in order to maintain potential access from the north. Discussion then focused on fire truck access along the driveway on the west side of the building. It was agreed that six parking spaces would be retained on the western side of the driveway, but all other parking shall be prohibited in this area. March agreed to adjust the roundings at the northern entrance and drop-off loop to allow better access for a 40-ft. fire truck. "No Parking" signs will be added.

Regarding lighting, Ware noted that the plans now indicate down-light fixtures, and that honey locust trees shall be planted next to them. The Board questioned whether siting the trees and light poles together, would obscure the light and create an unsafe situation. Hara felt that these trees are hardy enough to use on the landscape islands and open enough to allow light to filter through. Brock was asked to review the lighting specifications.

Epstein noted that screening, the loading bay, landscaping, sidewalks and connection to the school property are all issues that still needed to be addressed. Ware presented a letter from the school stating that they are not interested in a fence or a connection between the two sites. Mansfield reminded the Board of the steep grade between the two properties and concern about erosion if the slope is used improperly. Brock noted that any new walkway on public property must be ADA compliant.

Epstein asked Mansfield to contact the Pedestrian and Bike Safety Advisory Committee, advising them put their request for a pathway in writing to the Board of Selectmen.

Reid asked if the church has trash receptacles on the property. Ware stated that trash is stored indoors and removed by a janitorial service.

The Board agreed to continue discussion at 8:15 p.m. on November 13<sup>th</sup>. Mansfield was asked to prepare a memo to update the Board of Selectmen on the status of the site plan review for 147 School Street.

**Informal discussion of proposed amendment to Common Driveway Special Permit for 299 Bedford Road (Request of Richard West)**

Richard West of Framingham and Carolyn and Dick Shohet of 299 Bedford Road were present. Fire Chief Robert Koning was also present.

West presented a plan of 299 Bedford Road, showing the proposed ANR subdivision of this lot and extension of the existing common driveway. He stated that his in-laws, the Shohets, are offering to create this additional lot for him. The Board determined that the ANR would be legal and then looked at the plan for the common driveway. West stated that the current common driveway serves three lots and is approximately 1000 ft. in length, not including the private portions of the driveway. Abend felt that the plan is reasonable although the Board expressed some concern over the length of the common driveway. Epstein asked West to determine accurately the entire length of the driveway.

Koning stated that the existing common driveway is too narrow for fire trucks and was not sure if the culvert could support 40 tons. He also felt that with more than three homes on this common driveway, a cistern would be required.

Abend suggested that West set up a meeting with the PA and Fire Chief. Mansfield said that the files do not indicate if there is a common driveway easement. He also suggested that West obtain an agreement from all current beneficiaries of the common driveway. West stated that there has been positive feedback from all parties involved.

**Discussion of Carlisle Footpath Plan (Request of Pedestrian and Bike Safety Advisory Committee)**

Deb Belanger of the Pedestrian and Bike Safety Advisory Committee (PBSAC) had presented a first draft of the Carlisle Footpath Plan prior to the meeting, and she requested feedback from the Board.

Reid stated that she disagreed with the committee's conclusion regarding the Town's approval to use Chapter 90 funds to study the School Loop footpath. Several Planning Board members agreed with Reid stating that 98% of the Town's voters had approved use of Chapter 90 funds, but not necessarily for use in this study. Reid suggested removing this language so that the integrity of the entire report is not jeopardized.

Reid also suggested that the report note that free busing is no longer available within a two-mile radius of the school and yet the Town does not provide safe walking routes.

Epstein felt that the PB and the PBSAC must understand each other's goals and philosophy. He explained that prior to 1997, the PB did require sidewalks in all new subdivisions, but this resulted in excessive tree loss. Epstein questioned the need for pathways in smaller subdivisions, conservation clusters and along common driveways. Belanger felt that all development affects the Town as a whole and justifies a requirement for pathways either within that development or elsewhere in Town.

Hara asked that DPW's role be clearly defined and that the machinery needed to clear the pathways be considered in their design. She felt that details of width, material and cost would be important in determining feasibility. She also recommended developing plans for possible obstructions such as rock overhangs or wetland areas.

Belanger stated that while several materials are being considered for surfacing the pathways, the committee is leaning toward using crushed stone with an organic stabilizer. She expects the pathways to be 3-5 feet wide and ADA compliant.

**ANR Plan: 706 West Street, Map 6, Parcels 61 and 62, J. Arthur Taylor and Edward and Marjorie Getchell, applicants**

Arthur Taylor of Concord and Margorie Getchell of 706 West Street were present.

This ANR involved a simple transfer of land from Lot 1A to Lot 3-A in order to create a buildable lot. Reid moved to endorse the Plan of Land in Carlisle, MA, prepared by Stamski and McNary for J. Arthur Taylor and Edward and Marjorie Getchell, dated 3/1/00 as Approval Not Required. Lane seconded the motion and it carried 6-0.

**Request for release of Lot 3 from Restrictive Covenant for Wilkins Lane Definitive Subdivision Plan (10/12/99) and proposal to substitute tri-party agreement for covenant at a later date (Request of William Costello)**

Bill Costello was present to request the release of Lot 3. The Board recognized that the remaining lots provided sufficient security for completion of the roadway. Costello also proposed to draft a tri-party agreement as he has done previously with Pine Meadow and Tall Pines. The Board agreed with this proposal. Reid then moved to release Lot 3 from the Wilkins Lane Subdivision. Abend seconded. The motion carried 6-0.

**Request for release from tri-party agreement and for Certificate of Completion and/or extension of time for completion of Tall Pines Definitive Subdivision Plan (7/9/90) (Request of William Costello)**

Bill Costello was present with his attorney Richard Gallogly.

Gallogly stated that work on this subdivision is complete and the Costello is seeking release of the security. Mansfield noted that on one lot, the slope has been seeded, but this seed has not germinated. He also stated that

several structures, including stone walls, pillars and a bench, have been constructed within the right-of-way. Reid thought that the roadway should not be accepted with these structures, as they set bad precedent. Gallogly noted that lot owners could also place structures in the right-of-way following roadway acceptance. Mansfield voiced the concerns of the Town Administrator, who questioned the Town's liability when structures are in the right-of-way.

The Board then asked how the right-of-way could be determined without an as-built plan. Costello maintained that an as-built plan should not be required because his plan was approved under the Subdivision Rules and Regulations in effect in 1989. These regulations did not require an as-built plan, therefore Costello did not have them prepared during the construction process. Costello noted, however, that an as-built drainage plan was provided and that there are no gas lines servicing this subdivision.

Under the 1989 regulations, a roadway must be accepted by the Town or placed on Town Meeting warrant, before a certificate of completion may be issued. The Board discussed the applicability of this requirement and determined that an extension would be required to resolve outstanding issues.

Abend then **moved to release all but \$10,000 from the tri-party agreement and to extend the time for completion of the Tall Pines Subdivision to April 30, 2001.** Epstein seconded the motion and it carried 6-0.

Epstein offered to speak with the Town Administrator regarding the structures in the right-of-way and to seek advice from Town Counsel. Reid suggested a possible amendment to the Zoning Bylaw requiring a special permit to construct anything within a certain number of feet from the pavement.

**Request to endorse Land Court Plan for the Carriage Way Subdivision (Request of Richard Gallogly)**

Gallogly explained that because a portion of the land in this subdivision falls under Land Court jurisdiction, they require a separate plan to be filed with them. He noted that the plan must be signed by November 12<sup>th</sup> or they will be automatically rescinded. Gallogly also explained that they require a release of the covenant in order to allow conveyance of the land among co-owners of the properties. Reid moved and Abend seconded a **motion to grant an extension to 11/28/00 to record the Subdivision Plan for Carriage Way with Land Court.** The motion was approved 6-0.

Mansfield noted that the Land Court plan has a different date than the original plan. Epstein requested that a note be added to the plan stating that it is identical to the plan dated 7/18/00 with the exception of the stone bounds. He also asked for cross-referencing of both plans.

*(Zinicola left the meeting.)*

Epstein asked Board members to e-mail or fax their highest priorities from the PB "To Do" list.

Abend again appealed to the PA and secretary for earlier receipt of meeting materials. Mansfield explained that most of the material does not become available before Friday. Abend suggested an interim update or partial package between meetings. The Board asked the PA to inquire of other boards how they prepare for meetings.

At 11:23 p.m. Reid moved and Abend seconded a **motion to adjourn.** The motion carried 5-0.

Respectfully submitted,



Anja M. Stam  
Planning Board Secretary

# Memo

**To:** File – Minutes of October 23, 2000  
**From:** Planning Board  
**CC:** Carriage Way file  
**Date:** 11/15/00  
**Re:** Request to endorse Land Court Plan for the Carriage Way Subdivision

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Following the meeting, George Mansfield reviewed the Carriage Way records and determined that the time to record the plans would not expire until December 15, 2000. Therefore, he deemed the motion to grant an extension moot and did not file it with the Town Clerk.