



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES March 12, 2001

- ANR Plan: Oak Knoll Road, Map 25, Parcel 15-1 and Lot 70, Deck House, Inc., Jonathan and Anne Longley and Kenneth Jeffers, applicants**
- Continued Public Hearing: Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick and Deborah MacDonald, applicants**
- Discussion with Building Inspector of measures to monitor and certify completion of common driveway special permit plans prior to issuance of occupancy permits**
- Discussion with Fire Chief of fire protection requirements, including cisterns, in subdivision, conservation cluster, common driveway and SROSC plans**
- Discussion of "informal conceptual plan" for extension of subdivision roadway from Log Hill Road to Acton Town Line, Map 5, Lot 34A, as a part of proposed Preliminary Subdivision Plan for Robbins Mill Estates in Acton (Request of Charles Dexter)**
- Review of proposed Town Meeting article to amend Zoning Bylaws, Sec. 5.9, personal Wireless Communications Facilities**
- Notice of receipt of as-built plans for Common Driveway Special Permit serving Lots 2 & 3, 646-650 Concord Street, Map 7, Lots 43-2 and 43-3**
- Request for release of Lot 9 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street, Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Michael Kenny)**
- Discussion of design of personal wireless communication facilities (request of D. Holzman)**
- Review of revised lot grading plan for Lot 6, Hart Farm Estates Conservation Cluster, submitted for Planning Board approval in accordance with condition #4 of the special permit (granted 5/3/00) [Submitted by Charles Aggouras]**
- Discussion of proposed draft Rules and Regulations for Site Plan Review**
- Discussion of proposed amendments to Subdivision Rules and Regulations**
- Schedule for final inspection of Maplewood Definitive Subdivision Plan (request of Earth Tech, Inc.)**

Chair Epstein called the meeting to order at 7:30 p.m. Members Abend, Hara, Holzman, Lane and Zinicola were present. Reid arrived at 7:32 p.m. Planning Administrator George Mansfield and *Mosquito* reporter Susan Yanofsky were also present.

Epstein moved to accept the minutes of 2/26/01 as drafted. Hara seconded the motion and it carried 5-0-1 with Abend abstaining.

*(Reid arrived.)*

Lane stated that he has had no further comment from FinCom regarding the revised budget. Also, he did not feel it would be necessary to request additional funds at Town Meeting to pay for the shortage in the Part Time wages account for FY01, since funds should be available from within the overall PB budget.

**ANR Plan: Oak Knoll Road, Map 25, Parcel 15-1 and Lot 70, Deck House, Inc., Jonathan and Anne Longley and Kenneth Jeffers, applicants**

Engineer, John Boardman of David E. Ross Associates was present to represent the applicants.

Boardman explained that with additional frontage obtained from the Jeffers, the Longleys are now able to create two porkchop lots on the 10+ acre parcel located at the end of Oak Knoll Road. Abend moved to endorse the approval not required plan entitled plan of land in Carlisle, MA prepared for Deck House, Inc., dated January 2001, revised 2/9/01 and 2/12/01. Lane seconded the motion and it carried 7-0.

**Continued Public Hearing: Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick and Deborah MacDonald, applicants**

Engineer Gary Shepard of David E. Ross Associates was present to represent the applicant. Abutter Bill Cuccinello of 134 East Street was also present.

Shepard explained that as a result of a meeting with the Fire Chief, the following revisions have been made to the plan: 1) the "bump out" seventy feet from East Street will be paved, providing an outside turning radius of 44 feet. A two-foot gravel shoulder will extend beyond the pavement. 2) A granite street number marker is indicated at the beginning of the driveway. 3) The driveway is no longer named, but refers to the properties by numbers 136 and 138 East Street. 4) A note has been added stating that the area shown is not in FEMA flood zone A or B. 5) Per the Fire Chief's request, the T-turnaround near the house, on the private portion of the driveway, has been reconfigured to provide a safe turnaround for emergency vehicles.

Shepard offered to either place a marker with a diagram near the road, or to place markers with street numbers at the branch in the common driveway. The Board requested the latter and Shepard agreed to revise the plan accordingly and date it 3/13/01. The Board then reviewed the draft decision prepared by the PA and discussed several minor revisions.

Reid then moved and Abend seconded a motion to reconsider the motion of 2/12/01 regarding the Common Driveway Special Permit for Laurel Way. The motion carried 7-0.

Reid moved to incorporate the motion made on 2/12/01 regarding the Common Driveway Special Permit for Laurel Way with the following changes: 1) add a condition that mailboxes serving Lots E-1A and E-1B shall be located, at the discretion of the Postmaster, to the north of the driveway entrance or opposite that entrance.; 2) add a condition that a T-turnaround at the south end of the private driveway on Lot E-1B shall be constructed as shown on the plans referenced in condition #1; 3) add a revision date of 3/13/01 to condition #1. Abend seconded the motion and it carried 5-0-2 with Epstein and Zinicola abstaining.

Epstein asked Shepard to remind his client that the Board would like to see documentation regarding dismissal of the pending litigation. Shepard explained that Treibick would like to avoid paying legal fees to have the lawsuit dismissed and would prefer to simply allow the litigation to remain inactive. Epstein felt this was unacceptable and moved to reconsider the motion. In order to allow discussion, Reid seconded the motion. Epstein then suggested that approval of the special permit should not be granted until the pending litigation is dismissed. Other Board members were not certain if the PB could legally take such action. After some discussion, Epstein withdrew his motion and directed the PA not to file the decision until notified by the Chair. Epstein agreed to seek advice from Town Counsel on how to proceed.

Abend moved and Reid seconded a motion to continue the public hearing to April 9, 2001 at 7:45 p.m. The motion carried 7-0.

**Discussion with Building Inspector of measures to monitor and certify completion of common driveway special permit plans prior to issuance of occupancy permits**

Bob Koning was present and confirmed that 605 School Street and 646 Concord Street are indeed occupied despite a lack of certification by the Planning Board's review engineer. He said this was simply an oversight. Epstein asked how the Planning Board might assist him to ensure that common driveway construction is certified by the PB's engineer prior to the issuance of occupancy permits. Koning noted that other boards provide the applicant with a

card or checklist that must be completed and presented to the Building Inspector when applying for a Certificate of Occupancy. The PA agreed to prepare a similar checklist, but requested that in the meantime he be consulted when CO's are requested on common driveways or conservation clusters.

The Board also asked Koning about standard wording on special permit decisions. Currently, a condition is added stating that the building "shall not be occupied until. . ." The Board suggested that "no occupancy permit shall be issued until. . ." would be more appropriate wording. Koning agreed. The Board asked the PA to change the wording accordingly on the "Laurel Way" common driveway special permit decision made earlier this evening.

**Discussion with Fire Chief of fire protection requirements, including cisterns, in subdivision, conservation cluster, common driveway and SROSC plans**

Fire Chief Bob Koning was present. Epstein informed him that the Board is in the process of revising the Subdivision Rules and Regulations and would appreciate input regarding fire protection. Koning stated that the conceptual plan phase of development is very helpful and he would appreciate applicants keeping him informed of changes throughout the process. Epstein agreed to strengthen the language in the regulations to encourage this. The Board also asked if the Fire Chief could provide applicants with more specific requirements for fire protection. Koning felt that each situation is different and preferred the opportunity to discuss requirements with the applicant.

**Discussion of "informal conceptual plan" for extension of subdivision roadway from Log Hill Road to Acton Town Line, Map 5, Lot 34A, as a part of proposed Preliminary Subdivision Plan for Robbins Mill Estates in Acton (Request of Charles Dexter)**

The applicants Charles and Charlotte Dexter of Liberty Trust were present with their engineer Joe March of Stamski and McNary. Chris Tolley of the Acton Planning Board was also present. The following abutters were in attendance: Sara and Vincent Ciampa, Charles E. Parker, Brenda and Krishin Bhavnani, Bob Clarke and David Trask all of Log Hill Road; Marybeth and Ed Sonn of Woodland Road; and Heidi Haring of West Street.

March explained that approximately one year ago, the applicant submitted a preliminary plan to the Acton Planning Board showing 230 acres with 78 lots. At that time Acton requested that a connection be made to Log Hill Road, but Dexter stated that a 1961 agreement made with the Town of Carlisle would not allow such a connection. The plan has been revised without showing such a connection, but the Acton Planning Board is still requesting that at a minimum, emergency access be provided. An alternative cluster development with 114 lots was also shown. Emergency access was requested with this alternative as well.

Chris Tolley explained that this large subdivision, as designed, has only two points of access, both located to the north of the property. The Acton PB is concerned about access for the homes at the far south end of the subdivision, particularly in an emergency situation.

Charlie Parker felt that the route from Acton's fire station to the subdivision via Log Hill Road would be too long, with steep grades and narrow, poorly kept roads. He did not think it was reasonable alternative.

Ed Sonn stated that Dexter was only able to develop the Woodland Road extension in 1961 after agreeing not to provide a connection to the Town of Acton. He provided the Board with documentation of this agreement.

Kris Bhavnani said that he has lived on Log Hill Road for 35 years and is content to live with the risks that come with living on the cul-de-sac. Bob Clarke stated that with its steep grades and poor visibility, Log Hill Road is not designed to handle the traffic that this large subdivision would generate. David Trask said that he built his home on Log Hill Road in 1961 and at that time he understood that a connection could never be made into Acton.

Reid questioned how the Town of Carlisle might benefit from an access to Log Hill Road. She thought that perhaps a fire hydrant could be located at the Town line to serve homes on Log Hill Road and Woodland Road. Currently the nearest fire cistern is located on West Street.

Abend noted that the Planning Board's Subdivision Rules and Regulations prohibit such access to land in another Town, but he thought that the residents of Log Hill Road might benefit if emergency access only is provided. He explained that Log Hill Road and Woodland Road could be completely cut off from access if a tree fell across the roadway or an accident blocked traffic. He thought that in an emergency, access through Acton would be preferable to no access at all. He did not think that gated, emergency access would be detrimental to the residents of Log Hill Road and Woodland Road. The residents, however, disagreed, feeling that providing emergency access would lay the foundation for a through road in the future.

Ed Sonn said that he had contacted the Acton Conservation Foundation and suggested that the Town purchase this property and partially develop it such as Carlisle Conservation Foundation did with the Wang-Coombs property. He had argued that this large development would greatly impact their schools and other town services. Acton opted not purchase this land and Sonn felt that the Town of Carlisle should not "bail-out" the Town of Acton.

Epstein advised Tolley that in the past, the Carlisle Planning Board has been sensitive to the concerns of residents and disapproved proposed through road connections. In summarizing the evening's discussion, Epstein noted that the Board seemed opposed to providing a vehicular through road from the Robbins Mill Subdivision to Log Hill Road. He thought that the Board might consider providing emergency access only, but even this alternative seemed unlikely to gain the Board's approval.

**Review of proposed Town Meeting article to amend Zoning Bylaws, Sec. 5.9, personal Wireless Communications Facilities**

Paul Gill of the Wireless Applications Advisory Committee was present. Reid explained that she worked with Gill and both agreed that the following changes should be made to the Zoning Bylaws: 1) The word "topological" in Section 5.9.4.2.2.4.3 should be changed to "topographical" and 2) In Section 5.9.4, the words "or modify" should be deleted because modifications are provided for in Section 5.9.5.3. Mansfield was directed to prepare the wording for the Town warrant and forward it to the Selectmen's office. The public hearing regarding these amendments was scheduled for 8:00 p.m. on April 9, 2001.

Gill mentioned that he attended a Board of Appeals meeting at which Nextel was appearing as an applicant. Gill felt that the applicant should have appeared before the PB before going to the ZBA. The Board explained that requiring the applicant to go before the ZBA first was intentional, because the PB should not review any application that does not meet basic zoning requirements. The applicant should also determine if locating a facility on a particular site is feasible prior to going through the expense of designing the facility and applying for a special permit.

**Notice of receipt of as-built plans for Common Driveway Special Permit serving Lots 2 & 3, 646-650 Concord Street, Map 7, Lots 43-2 and 43-3**

Mansfield explained that although he was informed that the plans would be delivered several weeks ago, they have not been received in the PB office. The Chair asked him to send a note signed by both the PA and Building Inspector, requesting that the as-built plan be delivered as soon as possible.

**Request for release of Lot 9 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street, Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Michael Kenny)**

Mansfield stated that developer Michael Kenny provided signed documents today regarding an amendment to the covenant for Hart Farm Estates. Epstein asked the PA to have Town Counsel review these documents and to also ask if Kenny does indeed have the authority to amend the covenant.

Mansfield also presented a plan received today, which showed the lot line between Lot 9 and the Town-owned open space parcel shifted seven feet northerly to allow the septic mound to be graded down without use of a retaining wall. The Board questioned whether seven feet would be sufficient to allow for this grading. Mansfield said that

because the open space parcel is owned by the Town of Carlisle, Kenny is pursuing this with the Board of Selectmen.

**Discussion of design of personal wireless communication facilities (request of D. Holzman)**

Paul Gill of the Wireless Applications Advisory Committee was present. Board member Dan Holzman explained that there are many options for antenna concealment including locating within artificial trees, flagpoles and atop recreation lights. He also noted that some communities require underground utility buildings to minimize noise disturbance. The administrative assistant was asked to request materials from Stealth Network Technologies, Inc.

Gill stated that at a recent ZBA meeting, Sprint indicated that its potential location at the 1 River Road site was only the first of three locations needed for complete coverage in Carlisle. He asked Holzman how many service providers could be located on a so-called greypole or brownstick. Holzman said it would depend on the diameter of the pole, but generally a 3½' diameter pole could support three antennae.

**Review of revised lot grading plan for Lot 6, Hart Farm Estates Conservation Cluster, submitted for Planning Board approval in accordance with condition #4 of the special permit (granted 5/3/00) [Submitted by Charles Aggouras]**

Judith Nitsch Engineering's comments regarding the revised grading plan were received in the PB office today and have not been forwarded to the applicant. The Board asked the PA to forward the comments and request a reply to the last comment regarding roof drainage to the drywell.

**Discussion of proposed draft Rules and Regulations for Site Plan Review**

Zinicola agreed to redraft the Site Plan Rules and Regulations before the next meeting, based on comments received from the Board thus far. Discussion was scheduled for 8:00-9:00 p.m. at the PB meeting of March 26, 2001.

**Discussion of proposed amendments to Subdivision Rules and Regulations**

Epstein asked the PA to provide input regarding some of the technical details in the rules and regulations. The Chair offered to incorporate this input and redraft the rules and regulations before the next PB meeting. Epstein asked Board members to consider their positions regarding a requirement for providing pedestrian safety funding in lieu of certain Bike/Footpaths. He also asked the PB staff to include the survey of area PB fees in the next meeting packet, and to solicit comments from the Fire Chief, Bicycle/Pedestrian Pathways Committee and the DPW.

Discussion was tentatively scheduled for 9:00-10:00 p.m. on March 26, 2001. Mansfield was asked to invite Deb Belanger of the Bicycle/Pedestrian Pathways Committee and Sandy Brock of Judith Nitsch Engineering.

The meeting was **unanimously adjourned at 11:00 p.m.**

Respectfully submitted,

Anja M. Stam  
Administrative Assistant