



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES  
November 26, 2001

- Discussion of petition to transfer control of Town Forest to Carlisle Conservation Commission (Special Town Meeting Warrant Article 8)
- Report from Zoning Board of Appeals hearing on 11/08/01 regarding the application of American Tower at 662 Bedford Road
- Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29
- Discussion of proposed amendments to Subdivision Rules and Regulations
- Policy review of Planning Board's common driveway special permit standard condition that requires certification of driveway completion prior to issuance of any occupancy permit
- Discussion of petition to transfer control of Town Forest to Carlisle Conservation Commission (Special Town Meeting Warrant Article 8)
- Review of Town's intentions to prepare a Community Development Plan with the funding provided by Executive Order 418

Chair Michael Abend called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Michael Epstein (Vice Chair), Louise Hara (Clerk), Dan Holzman, Tom Lane (Treasurer), Kate Reid and Phyllis Zinicola were present. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present and *Mosquito* reporter Susan Yanofsky arrived at 7:50 p.m.

The minutes of October 22, 2001 were reviewed and Abend made a clarification to his comments regarding roadway completion in the Hart Farm Estates Conservation Cluster. Hara then moved and Lane seconded a motion to accept the minutes of October 22, 2001 as amended. The motion carried 5-0-2 with Epstein and Zinicola abstaining.

The bills were circulated for signature and Mansfield noted that Earth Tech had not yet submitted an itemized bill for its work on the High Woods Conservation Cluster.

Lane asked Mansfield if he was aware of any guidelines for salary increases vis a vis the overall 2003 budget guidelines. Mansfield thought that the Personnel Board intended to address this at their last meeting. He suggested that Lane speak with Town Administrator Madonna McKenzie.

## Fall Town Meeting

Abend and Hara noted that Article 7 (Town Forest Feasibility Study) and Article 8 (Town Forest Transfer of Control) have been withdrawn because questions have arisen regarding the boundaries of Town Forest Land.

Regarding Article 2 (Town Ways), Mansfield noted that Attorney Richard Gallogly has recently determined that the roadways in Tall Pines are currently owned jointly by William Costello and Tall Pines Realty Trust. Epstein suggested that the Planning Board be prepared to answer any questions regarding Article 2 at Town Meeting.

*(Yanofsky arrived.)*

**Report from Zoning Board of Appeals hearing on 11/08/01 regarding the application of American Tower at 662 Bedford Road**

Peter Morin of American Tower and John Costa of Sprint PCS were present. Planning Board members had each received a copy of the approved ZBA minutes of the 11/08/01 hearing. Peter Morin asked to have a copy also, and a copy was given to him. The ZBA hearing has been continued to December 13<sup>th</sup>. The Board agreed that a PB representative should attend the continued hearing, and this would be discussed at the 12/10/01 meeting.

**Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29**

Mansfield stated that he received a phone call from an abutter today, who reported that one of the drainage structures on Berry Corner Lane had cracked and failed.

Epstein said that he has asked Town Counsel to determine how much the Town has spent on the Berry Corner Lane litigation. Mansfield explained that he calculated Planning Board expenses with Deutsch Williams, from March 2001 through October 2001 of approximately \$6300. He noted that this figure does not include previous expenses incurred with Kopelman and Paige which he thought were approximately \$15,000. Mansfield also noted that the Conservation Commission has spent approximately \$9000 on this case since November 1999.

Reid asked if the DPW is planning to continue its practice of plowing private ways. No one was sure and Mansfield was asked to look into this with the Town Administrator.

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

The Board resumed its discussion of the Subdivision Rules and Regulations at Section 5.G, Storm Drainage. The Board spent some time discussing maintenance of drainage systems and review of the maintenance plan by DPW. Holzman suggested that the regulations should include a statement that roadways must meet certain minimum requirements in order to be accepted by the Town. Board members agreed that it would be helpful to have Gary Davis, DPW Superintendent, meet with the Planning Board. Members desired his input on various drainage systems. Holzman also suggested that a private contractor could maintain public structures, or the Town might bill homeowners for maintenance of drainage structures on private ways. The Administrative Assistant was asked to note that the Common Driveway Rules and Regulations should also require an operation and maintenance plan for drainage.

Epstein noted that on Exhibit F, he added a mechanism to the fee schedule that would allow the Board to request ANR review fees if necessary. After some discussion, Board members agreed that although ANR review is rarely necessary, allowing this discretion could be useful in some situations. The PA agreed to make sure Section 53G authorizes review fees for ANR plans.

Epstein noted that he has not received input from the Pedestrian/Bike Safety Committee and is particularly concerned about the question of requesting money in lieu of sidewalks. He asked the PA to request this information of the committee as soon as possible. Otherwise this section would not be included in the revised subdivision regulations.

Wayne Davis Chair of the Conservation Restriction Advisory Committee and member of the Carlisle Conservation Foundation came before the Board to explain the benefits of putting land under a conservation restriction (CR). He noted that under a CR the grantor retains ownership and grants an easement to an entity such as the Town, the State or other qualified non-profit. Because a CR requires review by the CR Advisory Committee, the Conservation Commission, the Board of Selectmen and the State, land subject to a CR is well protected. With a CR the landowner benefits by retaining ownership of the land and deciding to whom the easement shall be granted. Land may also be protected by granting it outright to a local, state or federal agency without going through the CR process

though this method may lack the enforceability of a CR. He asked the Board to encourage conservation through the CR process whenever possible.

Epstein suggested that Town Counsel review the subdivision regulations concerning conservation restrictions. He asked the PA to inquire if review of regulations is included under the retainer fee.

In summary, the Board noted that the following items still require clarification: 1) Section 2.A.4 regarding subdivision road access to an abutting town, 2) Section 2.A.17 regarding the limit to the number of lots accessed by a subdivision road after approval, 3) need for grading plans, 4) fire protection issues, 5) footpath plan and impact fees, 6) DPW review of drainage and operation and maintenance plan. Abend also suggested that the Board ask DPW for an opinion on the use of organically stabilized stone dust on the footpath at Diment Park.

The Board agreed to continue this discussion at the 12/10/01 meeting and to invite Gary Davis to attend. The PA was directed to ask the Fire Chief to review the sample fire protection regulations from other towns, and to mark them with his comments and preferences before the 12/10/01 meeting.

**Policy review of Planning Board's common driveway special permit standard condition that requires certification of driveway completion prior to issuance of any occupancy permit**

Abend explained that in the High Woods Conservation Cluster, Koning has issued a temporary, restricted use occupancy permit for one house, which is to be use only as a model home. Earth Tech has not certified completion of the common driveway because it is still in need of screening, seeding and resurfacing. Earth Tech has advised the Board and the developer that it is too late in the season for planting and application of the final roadway surface. Board members discussed whether or not occupancy should be permitted before the common driveway is certified complete. Without reaching a definite conclusion the Board agreed that Common Driveway and Conservation Cluster Rules and Regulations should be reviewed, taking this situation into account, and covenants and other agreements should be discussed in detail.

*(Reid left the meeting at 9:55 p.m.)*

**Discussion of petition to transfer control of Town Forest to Carlisle Conservation Commission (Special Town Meeting Warrant Article 8)**

Although Hara reported that this Article had been withdrawn, Mansfield could not confirm this, and the Board agreed to review a draft memo in opposition to Article 8, prepared by Abend. The Board agreed that the land should not be placed under conservation restriction until the parcel has been reviewed in consideration of all municipal needs. Abend's draft was approved with the exception of the last two sentences of the second paragraph, which gave an example of potential municipal use. **Abend moved to direct the PA to prepare a memo in opposition to Article 8, as drafted by Abend, and amended by striking the last two sentences in the second paragraph.** Epstein seconded the motion and it carried 6-0.

**Review of Town's intentions to prepare a Community Development Plan with the funding provided by Executive Order 418**

Lane stated that this topic would be discussed at the next MAGIC meeting on December 13, 2001. He agreed to attend although he suggested that someone more familiar with preparing a Community Development Plan should also attend. Board members suggested that Lane speak with selectman Vivian Chaput to determine if Carlisle will be participating in the Community Development Plan.

**Meeting with Personnel Board**

Abend reported that he attended the Personnel Board meeting on November 19, 2001, with Lane and Mansfield and found the meeting to be very productive. They were able to provide input for the Draft Personnel Handbook and the Personnel Board rewrote some sections.

**Upcoming Meeting**

Abend reminded the Board that he will not be able to attend the meeting on December 10, 2001, but suggested that the Maplewood Subdivision should be granted an extension at that time. He noted that completion for this subdivision expires at the end of December and this will be the last meeting of the year.

The Board unanimously adjourned the meeting at 10:27 p.m.

Respectfully submitted,



Anja M. Stam  
Administrative Assistant