



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES
March 25, 2002

Community Preservation Act

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

Distribution of Planning Board information via e-mail

Town Election

FY03 Budget

Request for review and discussion of proposed Warrant Article regarding limitation on lot clearing during brooding and nesting season [Request of Francene Amari-Faulkner]

Review and discussion of 2/20/02 Land Court judgement on Bellingham case regarding contract zoning

Release of project review fee balances for completed or withdrawn applications

Request for release of Lot 5, Carriage Way Definitive Subdivision Plan (5/8/00) [Request of William Costello]

Review of Defendants' draft answer to complaint of Michael Vale and David Valchuis

Community Development Plan Task Force

Discussion of proposed amendments to Subdivision Rules and Regulations

Chair Michael Abend called the meeting to order at 7:30 p.m. in the Heald Room at Town Hall. Board Members Louise Hara (Clerk), Dan Holzman, Tom Lane (Treasurer) and Kate Reid were present. Phyllis Zinicola arrived at 7:40 p.m. Michael Epstein (Vice Chair) was not present this evening. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present. Mosquito reporter Susan Yanofsky was present for a portion of the meeting.

Lane moved and Reid seconded a motion to accept the minutes of March 11, 2002 as drafted. The motion carried 3-0-2 with Abend and Hara abstaining.

Bills were circulated. Mansfield reported that he spoke with Dale MacKinnon regarding the bill for final inspection of the Maplewood Subdivision. MacKinnon stated that hours charged are for consultation with the applicant's contractor and field site inspection as well as review of the as-built plan, but he cannot breakdown those charges. Therefore the bill would not be itemized. Mansfield then explained that MacKinnon called him late this afternoon to inform him that Earth Tech had mistakenly charged \$600 to the Maplewood account when in fact only \$300 should have been charged to that account and another \$300 to the Rockstrom Conservation Cluster account. New bills will be issued.

Community Preservation Act

Mansfield reported that he forwarded a memo to the Selectmen regarding the PB's position on funding the Community Preservation Act, but he noted that the Selectmen had already voted to recommend a cut in this funding and will likely maintain their position regardless of the PB's recommendation. Reid noted that she would attend the first meeting of the Community Preservation Committee tomorrow evening.

(Zinicola arrived.)

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

Fred Lewis of 141 Bedford Road and Carolyn Kiely of 132 Hartwell Road were present. Abend informed them that the applicant has requested a continuance and that no testimony would be taken. Hara moved and Holzman seconded a motion to continue the public hearing to 7:45 p.m. on April 8, 2002. The motion carried 6-0.

Distribution of Planning Board information via e-mail

Regarding the information normally distributed in the packets on Fridays before a meeting, the PA and AA asked Board members if they find it useful to receive this information earlier via e-mail if available electronically. The Board spent some

time discussing its deadline for submission of information prior to a meeting. They agreed that the current policy of a Tuesday deadline for the agenda and a deadline of noon on Thursday for supporting information should be continued. Board members generally felt that it would be useful to have their information by Friday evening rather than in the mail on Saturday, but preferred to have it together in one packet rather than partially via e-mail. Reid and Mansfield noted that the Towns of Concord and Newton deliver packets to their board members via police cruiser. The Board asked Mansfield to look into this possibility in Carlisle.

(Yanofsky arrived.)

Lane explained that he is sometimes away on the weekend and would prefer an e-packet on those occasions. The Board agreed that draft minutes of the previous meeting should be e-mailed when ready, exclusive of executive session minutes. Abend also asked the PA to send a brief update to the Board along with the draft minutes.

Town Election

Abend announced that he is running for reelection to the Board.

FY03 Budget

Mansfield reported that the proposed "no override" budget requires level funding of all departments, with the exception of the school department, and no step, grade or merit salary increases. The override budget allows for a 2.5% increase in each department and step and grade salary increases, but no merit increases.

Zinicola reported that she spoke with Selectman John Ballantine regarding the possibility of offering merit increases within the PB's approved budget, but he stated that individual departments should not offer raises. She and Reid felt it was unfair to balance the Town's budget on the backs of its employees. Abend noted that the staff provides expertise that would otherwise require outside professional services. Hara felt that the cost of professional services would far exceed the cost of providing the step increases. Reid offered and the Board agreed that she should draft a letter to the Selectmen encouraging them to approach each department to see if step and grade increases could be funded by reallocating funds within their current budgets, even if the "no override" budget is passed. The Board asked Reid to note that when the Board was preparing its FY03 budget, it was understood that salary adjustments would be funded through a separate account.

(Yanofsky left the meeting at 8:25 p.m.)

Request for review and discussion of proposed Warrant Article regarding limitation on lot clearing during brooding and nesting season [Request of Francene Amari-Faulkner]

Francene Amari-Faulkner of 43 Bedford Road was present. She explained that the intent of her proposed warrant article is to make lot owners aware of the brooding and nesting season, and to prohibit clearing from March 15th through June 30th. She noted that this time frame would allow young animals to mature to the juvenile stage when they are able to relocate. While the March through June window would not protect all animals, Amari-Faulkner said that it would be of benefit to a many species, which raise their young during this time. She also intended to apply the bylaw to new construction only so that homeowners are not penalized if septic repair is required.

Then Amari-Faulkner explained that Town Counsel had redrafted the proposed article as a zoning bylaw, but Mansfield raised some questions about whether this article should be drafted as a zoning bylaw or a general bylaw. Amari-Faulkner met with the Board of Selectmen at 8:00 a.m. on March 25th hoping to discuss the language of the warrant article, but the Board wished to vote and close the warrant that morning. The article as redrafted by Town Counsel would require new signatures so the Board voted to place the article on the warrant as worded in the original citizen's petition. Now Amari-Faulkner is concerned that the article may not pass with this wording.

Board members were generally in favor of the intent of the article and encouraged Amari-Faulkner to work with the Town Administrator and the Selectmen to work out a possible solution. Holzman suggested that it be redrafted to include definitions of the terms "cleared of trees," and "new construction." The Board also suggested that an enforcement mechanism and possible penalties be clearly stated.

Because the deadline for posting a public hearing on this matter would come before the next Planning Board meeting, Reid moved to authorized the Chair to review the language of any proposed warrant article and to schedule a public hearing if necessary. Zinicola seconded the motion and it carried 6-0.

Review and discussion of 2/20/02 Land Court judgement on Bellingham case regarding contract zoning

Holzman thought that this judgement was significant to Carlisle because the benefit to the town of Bellingham was not specifically tied to the impact of the development. He felt that requiring money for sidewalks to be built in another part of town would be judged similarly. Other Board members disagreed noting that the Bellingham case involved rezoning land, while Carlisle would simply request funds in lieu of subdivision requirements. Some Board members also felt that sidewalks in any part of town benefit the whole town, including the new development.

Release of project review fee balances for completed or withdrawn applications

The Board reviewed a memo prepared by Stam on March 8, 2002. Although the Buttrick Woods Conservation Cluster was certified complete in October 2000, Hara thought that the special permit had been violated because the 100-ft. buffer along Concord Road had been cleared of underbrush. The Board asked Mansfield to look into this. The Board also asked the staff to verify if as-built plans had been submitted for Tall Pines/Lot 2 and the Rockstrom conservation cluster. Finding the following two projects complete, Reid moved to release funds from the Deer Creek/Kydd and the Dowcett/Concord Street project review accounts. Zinicola seconded the motion and it carried 6-0.

Regarding the Malcolm Meadows account, the Board asked the PA to draft another letter to the residents of Malcolm Meadows, to remind them that the plan must be amended to show changes made to the driveway.

Request for release of Lot 5, Carriage Way Definitive Subdivision Plan (5/8/00) [Request of William Costello]

The Board's engineer, Judith Nitsch Engineering, submitted an estimate for the remaining construction costs for Carriage Way, dated March 25, 2002. Finding that the value of the remaining lots would be sufficient to cover these construction costs, Hara moved to release Lot 5 from the Carriage Way subdivision covenant. Lane seconded the motion and it carried 6-0.

Review of Defendants' draft answer to complaint of Michael Vale and David Valchuis

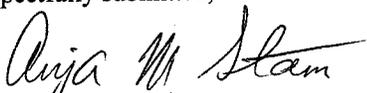
Board members reviewed the answer to complaint individually prior to the meeting. There were no comments from the Board and therefore executive session was not required.

Community Development Plan Task Force

Lane reported that he has contacted other communities in the area and they appear to be at approximately the same stage as Carlisle regarding Executive Order 418. Many are preparing to present equivalent plans. Lane also sent a memo to potential members of Carlisle's Community Development Plan Task Force, Louise Hara, George Mansfield, Madonna McKenzie and Vivian Chaput. Mansfield asked that he also forward the memo to Marty Galligan of the Housing Authority. Lane prepared a draft letter to MAPC asking for guidance on submitting equivalent plans. Several Board members asked if this program is worth pursuing given the State's current budget problems. They did not wish to expend more money preparing the required plans than might actually be available from the state.

At 9:50 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Administrative Assistant