



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES
June 24, 2002

Zoning Board of Appeals wireless facilities hearing

Public Hearing: Amendment to Special Permit for Malcolm Meadows Senior Residential Open Space Community, 319 Stearns Street, Map 9, Parcel 30 [Trustees of Malcolm Meadows Condominium, applicants]

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

Request to certify completion of High Woods Lane Common Driveway Special Permit, Map 6, Parcels 63-1, 63-2, 63-3, 63-4 and 63-5 [Request of West Street Partners, LLC]

Request for a release from Restrictive Covenant of remaining lot in Hart Farm Estates Definitive Subdivision Plan, and substitution of deposit of money as performance guarantee [Request of Michael Kenny]

Request for additional extension of time to complete Maplewood Subdivision, Acton Street, Map 17, Parcel 17A [Request of Robert Koning]

Amendments to Carlisle Planning Board's Rules and Regulations Governing the Subdivision of Land

Request for Proposals for review of potential wireless facilities sites

Request to join alliance of Planning Boards proposing amendments to M.G.L. Chap. 40B (Comprehensive Permit Law) [Request of Duxbury Planning Board]

Rescission of incomplete subdivisions that have expired without an extension: Pine Meadow Definitive Subdivision Plan, Maple Street

Board Organization for 2002-2003

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

Lane moved to accept the minutes of 6/10/02 as drafted. Hara seconded the motion and it carried 4-0.

Bills and Budget

Bills were circulated and the Board discussed the use of funds remaining in the FY02 budget. Mansfield explained that the Conservation Commission and the Board of Health are interested in joining the Planning Board in purchasing a digital camera and a color printer although the Cons Com has no funds remaining in FY02. Reid recommended that they purchase a color photo printer in order to print the digital photos onto 4x6 cards or photo paper. She thought that such a printer costs approximately \$150 and would do a better job of printing photos than a color printer. The Board authorized the PA to consult with the BOH administrator and purchase these items.

Because the PB will not be meeting again before the final bills for FY02 are due in the Town Clerk's office, Abend moved to allow either Tom Lane or Louise Hara to authorize bills for payment on behalf of the Planning Board until the next Planning Board meeting on July 22nd. Holzman seconded the motion and it carried 5-0.

Zoning Board of Appeals wireless facilities hearing

Mansfield informed the Board that the public hearing for the Anderegg/Woodward application has been continued to Tuesday July 2, 2002 at 8:00 p.m. The Board asked the AA to obtain ZBA minutes for all meetings regarding this application and to e-mail them to the Board if possible.

Public Hearing: Amendment to Special Permit for Malcolm Meadows Senior Residential Open Space Community, 319 Stearns Street, Map 9, Parcel 30 [Trustees of Malcolm Meadows Condominium, applicants]

Bill Reeder of 319-22 Stearns Street was present to represent the applicants, along with engineer Jody Borghetti of Stamski and McNary.

Borghetti explained that the amendment requests a change to the driveway by allowing 22-foot wide pavement instead of 16-foot wide pavement with a 2-foot wide grass strip and 4-foot wide sidewalk.

Reeder stated that a previous Planning Board had discussed this as a possible amendment and asked the applicant to submit plans showing this change. The Trustees of Malcolm Meadows expected that the developer, Ron Peabody, would have the plans revised and formally amended with the Board. Until recently, they were not aware that this had not happened. Reeder also stated that the driveway has been paved to the 22-foot width and the residents are very happy with this design. The 22-foot width allows two cars to pass more easily and pedestrians are comfortable using the driveway.

Mansfield confirmed that in 1998, the Board's engineer, Mark Sleger of LandTech, reviewed the drainage at Malcolm Meadows and discovered the discrepancy in pavement width. Sleger concluded that the increased pavement width would have negligible impact on the drainage. Mansfield also noted that previous amendments to the Malcolm Meadows SROSC were made in 1998 regarding cistern location and landscaping, and in 2000 regarding square footage and age restrictions.

The Board then discussed the requested waivers for this application. Mansfield explained that because this is an amendment, the applicant has asked for waivers to several application requirements. The applicants are requesting waivers of all submission requirements except for an application, a current abutters list, and a site development plan.

Abend moved to reduce the application fee to \$125 rather than the required \$500. Lane seconded the motion. The Board asked Mansfield how much time he had spent on this application. Mansfield said that he had anticipated very little administration time with this amendment, but because the engineer inadvertently used the wrong base plan when first submitted, he spent a considerable amount of time reviewing the plans and the site. He estimated approximately 5 hours of his time were spent on this amendment so far, but he will still need to write a decision after the PB takes action. Abend then amended his motion to request a \$250 application fee. Lane accepted the amendment. Reid felt that the Board has set specific application fees and should not tailor them for individual applicants. Abend's motion carried 3-2 with Abend and Reid opposed.

Abend moved to amend sheet 4 of 10 of the Special Permit for Malcolm Meadows Senior Residential Open Space Community as per the plan submitted by Stamski and McNary, last revised 6/18/2002, specifically amending the driveway width from 16 to 22 feet and eliminating the grass strip and sidewalk, with waivers as noted in a letter from Stamski and McNary to the Planning Board dated 6/21/02, including sections 3.2, 3.4 thru 3.14.4, and 3.14.6 thru 3.14.9 of the Senior Residential Open Space Community Rules and Regulations, because they are unchanged from the original application. Hara seconded the motion and it carried 5-0.

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

Tarik Samman of 148 Fifty Acre Way was present to represent Carlisle Extended Day.

In a letter dated 6/24/02, the applicant requested that no testimony be taken and that this public hearing be continued to July 22, 2002. Abend moved to continue the public hearing to July 22, 2002 at 7:45 p.m. Lane seconded the motion and it carried 5-0.

Request to certify completion of High Woods Lane Common Driveway Special Permit, Map 6, Parcels 63-1, 63-2, 63-3, 63-4 and 63-5 [Request of West Street Partners, LLC]

Applicant Chris Fleming and abutter John Forelli of 662 West Street were present.

Fleming stated that he was aware of three items that Dale MacKinnon of Earth Tech identified as needing attention before he could certify completion: 1) An as-built plan must be submitted by the design engineer, 2) the swale along the property's

frontage should be widened to 4-feet, and 3) an additional trench should be constructed on-site that could divert water to an existing wetland and alleviate drainage problems. Fleming agreed that items #1 and #2 could be addressed easily and agreed to comply with these requests. He was concerned, however, that item #3 would involve abutting land that is not part of the High Woods site. He offered to look into this option and pursue it if it was not cost or time prohibitive.

Fleming also noted that while Earth Tech claims that the ponding on West Street has been exacerbated by the High Woods development, Joe March of Stamski and McNary felt that the construction actually improved the existing conditions on West Street. Forelli backed March's conclusion, noting that he has lived at 662 West Street for three years and observed there has been less puddling on West Street this spring than there was before the construction of High Woods Lane. Forelli added that he and Fleming have been discussing other drainage concerns on site, and they are in agreement and expect to resolve the issue shortly.

Abend was concerned about the many drainage issues at the High Woods development, and thought that the original drainage calculations did not accurately depict actual on-site conditions. Holzman suggested that the calculations were accurate, but did not account for more concentrated flow in one area. Mansfield added that this project was further complicated by involvement of the design engineer, the Board's engineer and an abutter's engineer, as well as several field changes to drainage.

Mansfield noted that the Board has not seen a plan for item #3 of MacKinnon's recommendation. They are only aware of a suggestion made in his letter to the Board dated 6/10/02. The Board authorized Fleming to consult with Dale MacKinnon regarding the construction of additional drainage to alleviate ponding at West Street. Fleming also agreed to contact Alan Lehotsky, the owner of the abutting property. Abend agreed to meet with Fleming, MacKinnon and Lehotsky on-site.

Request for a release from Restrictive Covenant of remaining lot in Hart Farm Estates Definitive Subdivision Plan, and substitution of deposit of money as performance guarantee [Request of Michael Kenny]

Mansfield reported that Michael Kenny called and spoke with him and the Town Treasurer today. Kenny consulted with the Treasurer and agreed on a format for the performance guarantee.

Hara moved to release the covenant on condition that money is deposited with the Town Treasurer as agreed upon. Abend seconded the motion. Because Kenny did not contact the Town offices until today, the PA did not have a release drafted for the Board's review and signatures. Board members agreed that they should review the draft release prior to authorization and Hara withdrew her motion.

Request for additional extension of time to complete Maplewood Subdivision, Acton Street, Map 17, Parcel 17A [Request of Robert Koning]

The Board recognized that at the last meeting they had moved to extend approval until December 31, 2002, although the applicant had requested an extension to June 30, 2003. This was an oversight, and Abend **moved to reconsider the motion made on 6/10/02 to extend approval of the Maplewood Subdivision to 12/31/02.** Hara seconded the motion and it carried 5-0. Abend then **moved to extend approval of the Maplewood Subdivision to June 30, 2003.** Hara seconded the motion and it carried 5-0.

Amendments to Carlisle Planning Board's Rules and Regulations Governing the Subdivision of Land

Mansfield noted that when the Board approved the amendments at the last meeting, they did not include Willard's suggestion to reference the Scenic Roads and Public Shade Trees Acts. He presented possible language to the Board, but Abend and Reid thought that the Board should have an opportunity to discuss this in more depth before including it in the regulations. The AA was directed to add this item to the "to do" list and to print a final copy of the Subdivision Rules and Regulations with section references for filing with the Town Clerk.

Request for Proposals for review of potential wireless facilities sites

Holzman informed the Board that he has been unable to contact Donald Haes in order to obtain an RFP for wireless review. He agreed to continue trying to contact Haes and also suggested that the staff ask general engineering firms if they are able to provide this service.

Mansfield estimated that with the unused funds in the engineering, part-time wages, planner, and office supply line items, the Board would have a surplus of approximately \$14,000 in the FY02 budget. The Board asked the PA to determine if this amount could be encumbered to pay for wireless review, and to do so if permitted.

Request to join alliance of Planning Boards proposing amendments to M.G.L. Chap. 40B (Comprehensive Permit Law)
[Request of Duxbury Planning Board]

The Board received a letter from the Duxbury Planning Board dated June 5, 2002 requesting support for proposed amendments to M.G.L. Chap 40B. Reid asked the Board to review the letter for discussion at the next meeting. The Board generally felt that amendments are needed to Chap. 40B, but was not sure the changes recommended by the Duxbury Planning Board would provide sufficient remedies to current shortcomings.

Rescission of incomplete subdivisions that have expired without an extension: Pine Meadow Definitive Subdivision Plan, Maple Street

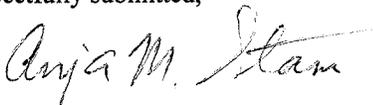
The Board received an opinion from Town Counsel Richard Hucksam dated June 18, 2002 regarding automatic Rescission of Subdivision Approval. Reid suggested that the opinion should be discussed at the next meeting. The Board directed the PA to forward the opinion to Bill Costello, developer of Pine Meadow Subdivision. Holzman **moved that the Board take no action regarding rescission of the Pine Meadow subdivision at this time.** Hara seconded the motion and it carried 4-0-1 with Abend recused as an abutter.

Board Organization for 2002-2003

Board members agreed that the appointments to other committees should remain the same as in the past year. Liaisons to other boards and committees will be as follows: Selectmen – Kate Reid, Conservation Commission – Louise Hara, Board of Health – Michael Abend, Trails Committee – Louise Hara, Recreation Committee – Michael Epstein, Town Counsel – Michael Abend, Housing Authority – Phyllis Zinicola, Pedestrian/Bicycle Safety Committee – Phyllis Zinicola, Zoning Board of Appeals – Dan Holzman.

At 10:00 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Administrative Assistant