



# Town of Carlisle

MASSACHUSETTS 01741

Office of

*PLANNING BOARD*

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

MINUTES  
July 22, 2002

**Request for Proposals for review of potential wireless facilities sites**  
**Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant**  
**Zoning Board of Appeals wireless facilities hearing**  
**Notice of Zoning Board of Appeals hearing regarding request for special permit for the operation of a children's book and gift shop**  
**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]**  
**Review of Draft decision: 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]**  
**Request to join alliance of Planning Boards proposing amendments to M.G.L. Chap. 40B (Comprehensive Permit Law) [Request of Duxbury Planning Board]**  
**Request for comments on proposed revisions to M.G.L. Chap. 40B (Comprehensive Permit Law)[Request of Norton Board of Selectmen]**  
**Request for release of Lot C from covenant for Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lot 18C) [Request of Ira Gould]**  
**Request for extension of time to complete Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lots 18-1, 18-2, 18-3, 18-8 and 18A-18G) [Request of Ira Gould]**  
**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]**  
**Review of conceptual comprehensive permit plan and preliminary information on proposal to develop 4 affordable housing units and 6 market rate houses at 302 Lowell Street (Map 21, Lot 12)[submitted by Michael Kenny]**  
**ANR Plan: 581 River Road (Map 1, Lot 17) David and Carol A. Valchuis, applicants**  
**Request for extension of time to complete Pine Meadow Definitive Subdivision Plan, Maple Street (Map 13, Lots 76-1 – 76-15) [Request of William Costello]**  
**Executive Order #418**

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

Abend made one clarification to the minutes of the last meeting and then moved to accept the minutes of 6/24/02 as amended. Hara seconded the motion and it carried 5-0-1 with Zinicola abstaining.

Mansfield reviewed items on the table while bills were circulated for signature. He noted in particular that the Conservation Administrator had informed him this afternoon, of a meeting tomorrow morning, 7/23/02, regarding stormwater management. Reid agreed to attend this meeting of the SuAsCoShaw Rivers Conservation Commission Network in Concord tomorrow.

## Request for Proposals for review of potential wireless facilities sites

Mansfield reported that with \$14,000 encumbered from the FY02 budget and additional funds available in FY03, the Board now has approximately \$20,000 available for the wireless study. The PA suggested that the Board issue a new RFP including this amount to encourage response. Abend suggested calling those who received the initial RFP to determine why they did not respond, before offering the \$20,000. Other Board members agreed. Holzman suggested that the RFP should also be posted in the central register. He noted that this may be required of any projects over \$10,000.

Holzman reported that Don Haes is no longer working at MIT, but is working as a consultant from New Hampshire. Holzman has still been unable to speak with him directly. Mansfield asked Holzman to provide him with the phone number so that the PA could attempt to contact Haes.

### **Resignation of Board Member**

The Board acknowledged receipt of a letter of resignation from Board member Michael Epstein effective 7/21/02. The PA noted that the PB must notify the Board of Selectmen of the resignation in writing before 8/20/02. Abend moved and Zinicola seconded a motion to notify the Board of Selectmen of the vacancy on the Planning Board and to advise them that the Planning Board is actively seeking a replacement to fill this position. The motion carried 6-0. The PA was directed to draft this letter and Reid will review the draft before sending.

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

Carolyn Kiely of 132 Hartwell Road was present.

Mansfield noted that all six Planning Board members eligible to vote were present this evening. The PA reported, however, that that applicant has requested that no testimony be taken this evening and that the public hearing be continued. Abend moved to continue the public hearing to August 19, 2002 at 7:45 p.m. Lane seconded the motion and it carried 6-0.

### **Zoning Board of Appeals wireless facilities hearing**

Matt Hamor of 715 Bedford Road and David Duren of 662 Bedford Road were present for this discussion.

The Board received copies of minutes from all ZBA meetings regarding the Anderegg/Woodward wireless application. Hamor stated that he has attended these meetings and believes that the applicant has not requested all required variances. He was particularly concerned that the actual site of the wireless facility has not been established. Hamor asked if the applicant could come before the Planning Board without all the necessary variances in place. The Board assured Hamor that it would send the applicant back to the ZBA or other appropriate board if any omissions or problems were discovered.

### **Notice of Zoning Board of Appeals hearing regarding request for special permit for the operation of a children's book and gift shop**

Abend noted that this special permit request also requires site plan review. The PA was directed to draft a memo to the ZBA with copies to the Board of Selectmen and the Building Inspector, alerting them to the need for site plan approval. The Board agreed that a provision should be added to the Zoning Bylaws, requiring site plan approval prior to applying for a special permit. The AA was asked to add this to the Board's to-do list.

### **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]**

Mansfield noted that the Board is still awaiting a plan for redesigned drainage patterns at the driveway entrance. Abend stated that although he had agreed to represent the PB at an on-site meeting to resolve this issue, he had not been contacted. The PA reported that he has not been informed of any progress on this project.

### **Review of Draft decision: 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]**

The Board reviewed that draft and Abend made one change for clarification. Hara and Mansfield will file the decision with the Town Clerk tomorrow.

### **Request to join alliance of Planning Boards proposing amendments to M.G.L. Chap. 40B (Comprehensive Permit Law) [Request of Duxbury Planning Board] and Request for comments on proposed revisions to M.G.L. Chap. 40B (Comprehensive Permit Law)[Request of Norton Board of Selectmen]**

Zinicola disclosed that she works for Massachusetts Housing Finance Agency, which is not recommending any changes to the statute. She asked if she should recuse herself from the discussion. Mansfield explained that because there is no application before the Board and Zinicola has no financial interest in these proposals, she need not be recused.

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The Board discussed both documents and agreed that the revisions proposed by the Norton Selectmen were well thought out, but still in need of some revisions. Abend offered to draft a letter of response with comments, copying the Carlisle Selectmen.

**Request for release of Lot C from covenant for Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lot 18C) [Request of Ira Gould]**

Applicants Ira Gould and Betsy Goldenberg were present.

Gould explained that completion of the guardrails has been delayed waiting for the ACQ timbers to arrive, but he now expects installation to occur next week.

The Board was provided with copies of correspondence between the applicant's and the Board's engineers, indicating that they are in agreement regarding the estimated cost of completion. Abend cautioned that releasing this lot would not allow a certificate of occupancy until the common driveway is completed. Gould understood this. Abend then **moved to release Lot C from the Restrictive Covenant for Great Brook Estates Definitive Subdivision**. Lane seconded the motion and it carried 6-0.

**Request for extension of time to complete Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lots 18-1, 18-2, 18-3, 18-8 and 18A-18G) [Request of Ira Gould]**

Gould and Goldenberg were present for this discussion as well.

In a letter to the Board dated 7/22/02, Gould noted that while the subdivision rules and regulations contain a two year completion deadline, the covenant signed by the Planning Board refers to a seven year completion deadline. Gould proposed that he provide annual status reports to the Board until the seven year expiration date. The Board agreed and Abend **moved to request the applicant to provide annual updates regarding the construction status of Great Brook Estates on or before August 22 of each year during the time period allowed for construction completion**. Zinicola seconded the motion and it carried 6-0.

**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]**

Applicant Michael Kenny was present.

Kenny explained that last week he sent the Board's engineer a list of completed and pending construction items in the Hart Farm Subdivision, and is awaiting Maher's estimate for completion. He added that the road is not yet paved, but he expects that to be done this week. Mansfield reminded Board members that at its May 13<sup>th</sup> meeting, the Board voted to accept \$99,229 in a joint statement savings account in lieu of the subdivision covenant, but this account has not been presented to the Town Treasurer to-date. Kenny explained that a considerable amount of work has been done on the subdivision since the vote on May 13<sup>th</sup>, and he asked the Board to consider reducing the account to approximately \$50,000.

Hara asked Kenny to respond to the following items: 1) A parking area was to be provided at the trail head, 2) A school bus stop waiting area was to be provided at Curve Street, and 3) Attorney Shanahan had agreed to provide lumber to the trails committee for a wetland crossing. Kenny was not aware of these items, but agreed to look into them. Hara also asked Kenny if the drainage problems on the trail easement had been corrected. Kenny thought they had and agreed to verify this as well.

Abend **moved to release Lot 8 from the restrictive covenant for Hart Farm Estates Definitive Subdivision with the following conditions: 1) the Planning Board must receive confirmation from its engineer Bill Maher of Judith Nitsch Engineering in writing on or before July 27, 2002, that the paving of Hart Farm Road and Daniels Lane is complete, 2) the Planning Board must also receive confirmation from Maher that the cost to complete the subdivision is less than \$50,000, and 3) the Planning Board must receive confirmation from the Town Treasurer that \$50,000 has been deposited into a statement savings account. As an alternative to the above three conditions, the Planning Board may receive confirmation that \$99,229 has been deposited into a statement savings account**. Zinicola seconded the motion and it carried 6-0.

Three Board members signed the release form and the fourth signature will be notarized after the above conditions have been met and the final dollar amount determined.

**Review of conceptual comprehensive permit plan and preliminary information on proposal to develop 4 affordable housing units and 6 market rate houses at 302 Lowell Street (Map 21, Lot 12)[submitted by Michael Kenny]**

Michael Kenny showed a conceptual plan and described his intentions to the Board. He explained that of the ten housing units, four would be affordable. Two one-and-a-half story structures will each contain two, two-bedroom condominiums. Kenny expects the condominiums to sell for approximately \$175,000 while the other three bedroom homes will be sold for approximately \$650,000. Reid asked if Kenny would consider selling the affordable units to the Town, so that they may be rented. Kenny replied that the State does not look favorably on mixing rented with owned homes. Kenny then described the innovative wastewater treatment systems that will be used on the property. He explained that there would be three tertiary wastewater treatment systems to treat all ten units. Kenny also noted that because this is an innovative technology, he would be required to set aside land and money in case the system fails.

**ANR Plan: 581 River Road (Map 1, Lot 17) David and Carol A. Valchuis, applicants**

While reviewing the plan, Board members discovered several deficiencies. The Board directed the PA to notify the applicant that the ANR plan could not be accepted based on the following deficiencies: 1) It was filed to create two lots/parcels on which the fee was determined, but it appears to create four; 2) an ellipse must be shown on each lot, or a notation made that it is not a legal building lot; 3) all improvements, specifically driveways, must be shown and any easements and a notation about a common driveway permit must be on the plan; and 4) a note referencing a 2002 Order of Conditions should be on the plan.

**Request for extension of time to complete Pine Meadow Definitive Subdivision Plan, Maple Street (Map 13, Lots 76-1 – 76-15) [Request of William Costello]**

As an abutter, Abend recused himself from this discussion.

Hara moved to grant an extension of time to complete Pine Meadow Definitive Subdivision to December 15, 2002. Holzman seconded the motion and it carried 5-0-1 with Abend recused.

*(Abend left the meeting.)*

**Executive Order #418**

Lane reported that he has drafted a letter to Laurie Connors of MAPC, asking her if some of Carlisle's existing plans would satisfy certain elements required by the State. He agreed to e-mail this to the Board for review, and then send it along with the Carlisle Study Plan, the Open Space Plan and the Growing Pains report to Connors. The Board directed the PA to ask the Town Administrator to put this on the agenda for the Board of Selectmen as well.

At 10:25 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam  
Administrative Assistant