



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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

MINUTES  
August 19, 2002

## Planning Board Vacancy

**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 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]**

**ANR Plan: 1174 Bedford Road (Map 11, Lot 9), Doris M. Grant, applicant**

**Discussion of 2002-2003 Planning Board goals and objectives**

**Discussion of potential modification of length of Planning Board member terms and addition of Associate members**

**Town Counsel Opinion re: ANR plan for 581 River Road (submitted 7/22/02) [Executive Session]**

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. *Mosquito* reporter Susan Yanofsky attended most of the meeting.

Reid noted that a word was missing in the minutes of the last meeting. Abend then **moved to accept the minutes of 7/22/02 as amended**. Hara seconded the motion and it carried 6-0.

The **bills** were circulated for signature and Mansfield asked the Board if it wished to sign Earth Tech's bill for the 7/20/01 reinspection of the Maplewood subdivision. The Board directed the PA to send a letter to Earth Tech stating that the Planning Board does not feel the applicant should pay for this inspection because it was required after the 6/15/01 inspection was found to be deficient. Reid agreed to review Mansfield's draft prior to mailing to Earth Tech.

## Planning Board Vacancy

Reid stated that she has been unsuccessful in finding a candidate to fill the Board's vacancy, but Zinicola understood that David Freedman has expressed possible interest in filling the position. Reid agreed to call him. The PA was directed to invite the Board of Selectmen to the PB's 9/23/02 meeting to discuss the vacancy and possibly appoint someone to fill the position until the election in May.

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

Fred Lewis of 141 Bedford Road was present.

The applicant submitted a letter to the PB today requesting that no testimony be taken this evening and that the public hearing be continued to the Board's next meeting. Abend **moved to continue the public hearing on the common driveway special permit application for Theodore Treibick to September 23, 2002 at 7:45 p.m.** Zinicola seconded the motion and it carried 6-0.

Fred Lewis understood from the *Mosquito* that this property had been sold to a trust company and asked if Treibick would have the authority to request a continuance if he no longer owns the property. Abend explained that until the Board is notified of such a change in ownership, the Board considers Treibick to be the applicant. Mansfield suggested that perhaps Lewis mistook this application for an application currently before the Conservation Commission. He noted that an adjacent but different lot, formerly owned by Treibick, is being reviewed by ConsCom.

**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]**

Rod Walton, owner of Lot 3 at 85 Highwoods Lane, was present.

Mansfield explained that at the last meeting, developer Christopher Fleming had agreed to contact abutter Alan Lehotsky regarding a possible drainage solution, to have plans drawn up for a drainage solution and to provide as-built plans for the common driveway. Mansfield was not aware that any of this has been done.

Walton stated that he spoke with Lehotsky approximately two weeks ago and he seemed amenable to the "ten-minute backhoe solution" which would require a drainage swale across his property and into adjacent wetlands. Walton also spoke with Fleming who said that he gave verbal approval to Northwest Development and to Stamski and McNary to proceed with the drainage work and the as-built plans. Walton stated that his contractor reported seeing a backhoe on the property, possibly digging the drainage swale, but Walton could not confirm this. Walton also submitted a letter he received from Stamski and McNary, dated 8/19/02, stating that they are in the process of surveying and preparing the as-built plan, and expect to be able to certify completion in approximately two weeks. Walton noted that he is scheduled to close on his house on Wednesday August 28, 2002 and was concerned that he might not be able to obtain an occupancy permit if the common driveway is not certified complete by then. He indicated that he had looked into rescheduling the closing, but this option is not available to him.

Mansfield explained that the Board's engineer, Dale MacKinnon is on vacation until Monday August 26<sup>th</sup> and noted that the grading on Walton's lot must also be certified before an occupancy permit may be issued. Walton said that MacKinnon had already given him verbal approval of the lot grading and he believed written certification could be obtained quickly when MacKinnon returns from vacation.

Mansfield noted that MacKinnon and Joe March of Stamski and McNary met at the High Woods site on May 28<sup>th</sup> to discuss drainage solutions. The Planning Board approved of the proposed drainage solutions at their June 24<sup>th</sup> meeting, but Fleming did not authorize work until August 16<sup>th</sup>.

The Board sympathized with Walton's situation, but stated that they could not allow the building inspector to issue a certificate of occupancy until the common driveway and lot grading have been certified complete. They suggested that Walton continue to apply pressure to the developer and his engineer.

**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]**

Sean Flynn of 107 Woodbine Road was present. Zinicola disclosed that she is employed by the Massachusetts Housing Finance Agency.

Mansfield provided the Board with a memo and attachments summarizing the latest revisions to Chapter 40B governing comprehensive permits for affordable housing. Zinicola explained that recent changes effectively eliminate Federal Home Loan Bank (New England Fund) funding sources. She explained further that the applicant must obtain a site approval letter from a subsidizing agency. The subsidizing agency may be a governmental or non-governmental entity. Zinicola noted that a subsidizing agency is simply required to review the plan to see that it meets basic requirements. She felt that the proposed regulatory change, which requires, in effect, that a financing commitment be submitted to the town before a comprehensive permit is issued would provide greater assurance that the project is also financially feasible. Zinicola recommended that the Zoning Board of Appeals should increase its current \$500 application fee for comprehensive permits, because more extensive review of such applications will be required.

Flynn stated that his property is located approximately 200 feet from the site of a possible comprehensive permit development. He expressed concern for Carlisle's future in light of such developments and asked what can be done to stop this.

Holzman explained that the project Flynn referred to would require an innovative sewage treatment system, and therefore Title V approval. Abend noted that Chapter 40B is specifically designed to encourage the development of affordable housing. He suggested that Carlisle must take the initiative to build its own affordable housing units in order to come closer to the 10% minimum requirement more quickly, thereby reducing the risk of comprehensive permit applications. The Board also advised Flynn that the Zoning Board of Appeals administers comprehensive permits.

The Board directed the PA to contact the Town of Norton to determine if they are still interested in pursuing their proposed changes to Chapter 40B.

**ANR Plan: 1174 Bedford Road (Map 11, Lot 9), Doris M. Grant, applicant**

Mansfield explained that this four acre lot at the corner of Skelton Road is being divided into two, 2-acre lots. Holzman moved and Abend seconded a motion to endorse the Plan of Land in Carlisle, MA prepared 8/12/02 by Stamski and McNary for Doris Grant. The motion carried 6-0.

**Discussion of 2002-2003 Planning Board goals and objectives**

Reid distributed the Board's current "To-Do" list and asked members to review, make additions, prioritize and e-mail the list to her prior to the next PB meeting.

**Discussion of potential modification of length of Planning Board member terms and addition of Associate members**

The Board felt it would be useful to allow Associate Members when reviewing special permit applications. Such applications require five positive votes in order to pass. This has created problems in the past when members are either unavailable or recused. The Board directed the staff to draft a bylaw revision allowing two associate members to be appointed jointly by the Planning Board and the Board of Selectmen for three-year terms. The Board also wished to have a bylaw drafted to change PB members' terms from five to three years.

**Town Counsel Opinion re: ANR plan for 581 River Road (submitted 7/22/02) [Executive Session]**

Holzman moved and Lane seconded a motion to go into executive session to discuss an ANR application and strategy regarding how this application might affect current litigation with the applicant, not to return to regular session. The Board was polled and unanimously agreed to the motion.

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

Respectfully submitted,



Anja M. Stam  
Administrative Assistant