



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES February 10, 2003

ANR Plan: Baldwin Road, Parcels A, B and C (Map 9, Parcels 38A & 38B, Map 2, Parcel 13, Carlisle Conservation Commission, applicant

FY04 Budget

Draft Personnel Policies Handbook

Town Report 2002

Discussion of "informal conceptual plan" for site plan review (new non-residential use by special permit for distinctive structure preservation) of property at 43 Bedford Road, Map 22, Lot 45 [Request of Francene Amari-Faulkner]

Request to re-open discussion of settlement agreement of pending litigation, Vale, Valchuis et al. v. Planning Board (Berry Corner Lane) [Request of Michael Vale] (Executive Session)

Identification and analysis of potential sites for Wireless Communication Facilities [Broadcast Signal Lab and GPR]

Review of draft decision for Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant (approved 1/13/03)

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates], "visioning" phase and creation of Steering Committee

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

Mansfield noted that there were a significant number of new documents before the Board this evening and he itemized them for the Board.

ANR Plan: Baldwin Road, Parcels A, B and C (Map 9, Parcels 38A & 38B, Map 2, Parcel 13, Carlisle Conservation Commission, applicant

Conservation Commission Administrator Sylvia Willard and Ken Harte of 64 Estabrook Road were present.

Mansfield explained that the plan does not change lot lines, but simply corrects them so that Parcel C can be shown correctly on the Assessors' Map. Harte explained that the ANR filing was prompted because the Town approved a conservation restriction on Parcel C in May and then discovered that the original plan had been recorded ambiguously.

Hara moved to endorse the Plan of Land in Carlisle, MA for the Carlisle Conservation Commission dated 1/19/97, revised 1/7/03 and signed by the surveyor on 1/29/03 as subdivision approval not required. Lane seconded the motion and it carried 6-0.

Hara moved and Zinicola seconded a motion to waive the \$100 filing fee. The motion carried 6-0.

Minutes

The Board reviewed the minutes of 1/27/03. Reid and Hara made two clarifications. Freedman then moved and Zinicola seconded a motion to accept the minutes of January 27, 2003 as amended. The motion carried 6-0.

FY04 Budget

Lane reported that he did not attend the most recent FinCom meeting, but did submit the Planning Board's guideline, level services and growth budgets for FY04. FinCom said they would contact Lane if there were any questions, but they have not done so.

Draft Personnel Policies Handbook

Mansfield reported that he would not be able to attend the next Personnel Board meeting on 2/13/03. Reid said she would try to attend.

Town Report 2002

The Board suggested several changes to Mansfield's draft for the Town Report. Hara questioned why several older common driveway applications were listed as "under construction." Mansfield explained that some were missing as-built plans, were not constructed according to plan or never received certification. The Board asked Mansfield to provide an updated status report of outstanding common driveway applications and to put this on the Board's "to do" list.

Discussion of "informal conceptual plan" for site plan review (new non-residential use by special permit for distinctive structure preservation) of property at 43 Bedford Road, Map 22, Lot 45 [Request of Francene Amari-Faulkner]

Francene Amari-Faulkner was present.

Amari-Faulkner explained that she has appeared before the Zoning Board of Appeals and received special permit approval to renovate her 200-year-old barn under the distinctive structures by-law. She is now seeking preliminary site-plan review from the Planning Board. Amari-Faulkner stated that she is interested in preserving her barn by creating five offices within approximately 2000 square feet of space inside and making it available to those in Town who need office space.

Amari-Faulkner explained that she has a background in architecture and she presented plans she had drawn up herself, plus a 1936 DPW plan showing the intersection of Bedford Road and East Street. She showed that she has room for 10 parking spaces on her existing site with room for additional spaces if necessary, but she anticipated that only seven spaces would actually be needed for the five proposed offices. She also said that she spoke with Police Chief Galvin who told her he has no concerns with her plans.

Amari-Faulkner requested that no contour plan or drainage plan be required since she will only be renovating the barn and not changing the exterior nor regrading the site. She has already talked to the Board of Health about tying the new construction in to her existing six bedroom septic. Amari-Faulkner reported that the BOH seemed receptive to the idea and suggested that she could place a deed restriction on the property to allow no more than four bedrooms in the home.

Reid explained that even if the site is not being altered, the Board must have a plan showing lot lines, buildings and utilities in order to review the site for drainage, lighting, parking, vehicular and pedestrian circulation, snow removal areas, trash removal, utilities, landscaping, ADA accessibility, deliveries and signage.

Mansfield gave the applicant a copy of a 2/7/03 letter addressed to the Board of Appeals from abutter Ken Bedrosian. In the letter, Bedrosian claims that there are drainage problems on the 43 Bedford Road site.

The Board asked how many parking spaces are required given the square footage of proposed office space. Mansfield reported that the zoning bylaw requires thirteen spaces for 2000 square feet. He also noted that the parking spaces as shown on the plan do not meet the 40-ft. setback requirement from lot lines. The Board advised the applicant that she must

apply for variances from the Zoning Board of Appeals if fewer parking spaces are provided or set back requirements are not met. Amari-Faulkner noted that she had discussed parking with the ZBA and they found her proposal to be acceptable.

Amari-Faulkner wished to address some of the issues raised by Reid and Bedrosian and asked if the Planning Board can move forward in reviewing other aspects of the plan assuming that these variances will be obtained. Reid explained that the ZBA approved the proposal under the Distinctive Structures bylaw, but, according to the ZBA decision, they did not consider other zoning issues. Reid said that the PB is not able to review a plan and make recommendations until they are presented with a plan that meets zoning requirements.

Request to re-open discussion of settlement agreement of pending litigation, Vale, Valchuis et al. v. Planning Board (Berry Corner Lane) [Request of Michael Vale] (Executive Session)

Michael Vale and David Valchuis were present.

Vale asked if the maintenance agreement proposed at the last meeting was acceptable to the Board. Reid explained that the Board had just received a communication from Town Counsel late this afternoon and had not had time to discuss it yet.

At 9:15 p.m. Lane moved and Holzman seconded a **motion to go into executive session to discuss pending litigation with Vale/Valchuis, and to return to regular session at approximately 9:30 p.m.** The Board was polled and unanimously agreed to the motion.

At 9:48 p.m. Hara moved and Freedman seconded a **motion to come out of executive session and to return to regular session.** The Board was polled and unanimously agreed to the motion.

Vale and Valchuis returned and Reid reviewed the history of project and litigation. She explained that Berry Corner Lane was originally approved under the small subdivision regulations, allowing for a maximum of five house lots. Therefore, the PB could not endorse the 6th lot. In order to settle the subsequent lawsuit against the Planning Board, the Board had agreed that if the condition of Berry Corner Lane were brought up to current common driveway standards, then access to a 6th lot could be safely justified and therefore an ANR plan endorsed. As with all new common driveways, a maintenance agreement must also be provided. The Planning Board did review one plan, but another plan prepared for the DEP was apparently used for construction. Reid explained that the Planning Board and its engineering consultant must review these plans for differences. Vale agreed with Reid's summary although he thought that the issue of discrepant plans had been clarified in the past. Vale agreed to provide documentation explaining the differences.

Vale then asked if the maintenance agreement, as drafted, was acceptable to the Planning Board. He anticipated that the agreement could be signed by all parties next Tuesday 2/18/03 if acceptable to the Board. Freedman said that the PA and Town Counsel must still review the maintenance agreement. If the maintenance agreement is acceptable to the Board and it is fully executed, the Board and its engineer must still review the as-built plan before the ANR plan can be endorsed.

The Board directed the PA to review the proposed maintenance agreement to verify that it is generally consistent with approved common driveway maintenance agreements. They also directed him to have Town Counsel review the maintenance agreement to verify that it will be beneficial to the Town once signed.

Identification and analysis of potential sites for Wireless Communication Facilities [Broadcast Signal Lab and GPR]

Marilyn Saunders of 108 Canterbury Court was present. She and the Board read through reports presented to the Board this evening and prepared by Broadcast Signal Lab and Goldsmith, Prest & Ringwall, Inc. The Board asked the PA to verify that GPR is also reviewing the bylaw for potential revisions. Hara agreed to set up a meeting with GPR and BSL prior to the next PB meeting, when BSL will make a presentation to the entire Board and the public.

Marilyn Saunders said that she spoke with David Maxson of GPR who asked her what questions Concerned Carlisle Citizens for Wireless Technology (C³WT) has. She offered to put questions and concerns in writing and submit them to the PA. She also agreed to contact concerned citizens in the Elizabeth Ridge neighborhood to advise them about this opportunity for input.

Review of draft decision for Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant (approved 1/13/03)

Mansfield noted that Zinicola raised several questions regarding the draft slope and grading easement provided by the applicant, and Town Counsel is currently reviewing this easement before it is presented to the Board of Selectmen for approval. Zinicola recommended that the decision should not be filed with the Town Clerk until the slope and grading easement is found acceptable to the Planning Board and signed by the applicant. Zinicola agreed to review a revised easement.

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates], "visioning" phase and creation of Steering Committee

The Board spent some time considering possible members of the steering committee. Eventually, Freedman moved to establish an EO 418 steering committee to coordinate the community development plan, with Kate Reid, Louise Hara, David Freedman and others they may invite as necessary. Lane seconded the motion and it carried 6-0.

Reid reported that she has spoken with a representative of the League of Women Voters and they are looking forward to sponsoring a community planning day.

At 11:15 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M/Stam
Administrative Assistant