



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES August 18, 2003

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Definitive Subdivision Plan

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Request for discussion of potential Agreement for Judgment in litigation pending against the Town by AT&T Wireless et al., American Tower et al., and Matthew Hamor et al., re: decisions on variances by the Board of Appeals at 662 Bedford Road and 871 Bedford Road [Request of Town Counsel] (Executive Session)

Peer review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for an 8-unit condominium, Laurel Hollow, at 302 Lowell Road (Map 21, Parcel 12), 2 units to be offered as affordable housing. (Application of MKCKMK, LLC, referred by Board of Appeals)

Request for extension of time to complete Wilkins Lane Definitive Subdivision Plan [Request of William Costello]
Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics] – Review of parcel automation pilot

Chair Louise Hara called the meeting to order at 7:30 p.m. in the Heald Room at Town Hall. Board Members David Freedman, Dan Holzman, Tom Lane and Phyllis Zinicola were present. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were also present. Member Michael Abend arrived at 7:50 p.m. and Rich Colman was not present this evening.

Fall Town Meeting Warrant

Mansfield noted that the Board of Selectmen is planning to hold a Special Town Meeting this fall. The warrant will be open for a short time only, and the Town Administrator suggested that any proposed changes to the wireless bylaw should be presented in early September. Mansfield noted that the Planning Board should discuss this with the Board of Selectmen at their joint meeting on September 9.

Bills

As the bills were being circulated for signature, Holzman questioned the Judith Nitsch bill for inspections at Wilkins Lane. He noted that the same engineer provided unreliable reports to the Board regarding Hart Farm Estates, and Holzman thought the engineer should itemize and justify these expenses clearly before the bill is signed. Mansfield informed the Board that Maher would be attending the meeting later this evening regarding Hart Farm Estates and might be able to clarify these concerns then. (Time did not allow that discussion.)

Minutes

The minutes of 7/28/03 were reviewed. Freedman then moved and Lane seconded a motion to approve the minutes of July 28, 2003 as drafted. The motion carried 5-0.

Associate Members

Hara suggested that the Board place a press release in the *Mosquito* describing the role of Associate Planning Board Members and requesting that interested citizens contact the PB office. Board members agreed and directed the PA to submit a press release for the August 29th and September 12th issues.

(Abend arrived.)

Review of construction and site conditions on Tanglewood Way, common driveway portion of Great Brook Estates Definitive Subdivision Plan

Developers Ira Gould and Betsy Goldberg attended with their engineer Gary Shepard of David E. Ross Associates. Conservation Commission Administrator Sylvia Willard was also present.

Shepard stated that erosion and debris on Tanglewood Way were caused by incomplete drainage systems. He explained that the contractor has covered the recharge trenches with geo-fabric and then loamed and seeded over this. He intends to cut away the fabric to expose the recharge trenches, once the area around them has been stabilized. Shepard also noted that a small area is covered with substantial silting, but most of the debris is only approx. ¼" thick.

Mansfield noted that the problem seems to have been exacerbated by construction on Lot C which has a very steep driveway. He asked if erosion should be controlled on this lot. Shepard agreed that it should be, but because this lot is outside the wetland buffer zone, the builder has not been required to address these concerns. Shepard noted that other towns, such as Groton, have erosion control bylaws to control erosion during construction. Gould also agreed that much of the erosion problem comes from this lot, and he agreed to discuss the issue with developer Michael Kenny. Gould believed that Kenny would cooperate in finding ways to minimize erosion.

Holzman asked if Shepard had filed a NPDES (National Pollution Discharge Elimination System) plan. Shepard said that the standard notations on the plans comply with NPDES requirements. Holzman noted that while it has not been strictly enforced by the federal government, any development site over two acres is required to file a NPDES erosion control plan and obtain a permit.

Freedman asked when the recharge trenches would be ready to function as designed. Shepard believed that once the grass, which is beginning to sprout, stabilizes the shoulders, the fabric could be cut away from the trenches. The Board contemplated how this could be done neatly without filling the trenches with debris. Gould explained that the fabric would be cut on the far side of the trench and peeled back toward the pavement. Any debris would then be on the pavement and could be swept up.

Hara asked if the area could be stabilized during construction to prevent further erosion. Shepard suggested hydroseeding or stabilizer fabric.

Holzman asked Shepard if the Board should require individual lot grading plans for subdivisions in order to avert such drainage issues in future developments. Shepard explained that engineers consider approximate construction on the lots when developing overall subdivision drainage calculations. He also noted that this past spring and summer have been rainier than usual.

Shepard then explained how the roadway had not been built according to plan. First he noted that the paved turn-around area had been improperly located. This will be corrected and moved back to the design location. Secondly, the utility companies did not place their boxes as shown on the plan, but rather, close to the proposed swale. The contractor then opted to replace the proposed swale with a pipe, which would require less space. Mark Sleger, the Board's engineer noted that the swale had not been installed as designed, so the contractor removed the pipe. Shepard has worked with Sleger to provide an alternative solution as follows: A perforated pipe would be installed from a 5', stone lined distilling basin at the end of the culvert under the common driveway to a stone lined basin at the end of the common driveway near the wetland. This pipe would replace the designed swale, but the recharge trench would still be installed as designed. Holzman was concerned that this plan allows water to seep under the roadway, but Hara noted that this is no different than the original swale design.

The Board approved of the design change and directed the developer to install the perforated pipe and to provide copies of this proposed design change for the PB files.

Request for certificate of completion and release of security (anticipated) for Hart Farm Estates Definitive Subdivision Plan [Request of Michel Kenny]

The following interested parties were in attendance for this discussion: Developer Michael Kenny, Bill Maher and Gary Pease of Judith Nitsch Engineering, John Willett – Builder of Lot 2, Bill Stumpf – of 80 Daniels Lane and President of Hart Farm Homeowners Association, Brian Bohnenfant – 78 Daniels Lane Lot 5, Steve Tobin – 164 Partridge Lane and Chairman of the Trails Committee.

Hara explained that she visited the site with the Board's engineer, Sandy Brock of Judith Nitsch Engineering, along with the PA. Despite Maher's report stating that the subdivision was complete, they had concerns about drainage issues and found several design changes that had been made to the original plan, but noted by neither the developer nor Maher. Abend suggested that the many field changes, considered minor by the developer, have added up to major problems.

Kenny explained that in order to serve Lot 3, the electric utility company needed to install a cable above the ground water level along the driveway. Kenny stated that because of this cable, the culvert under the driveway to Lot 3 was raised 12". As a result, the culvert is now too high and water does not flow through it.

Willett apologized for not paying close attention to the overall drainage plan for the development. He constructed the driveway to Lot 2 so that it slopes away from the house and drains toward the property line and onto the trail easement. He will correct this by sloping the driveway the other way, adding an extra infiltration drywell on site and moving the foundation drain away from the property line in order to keep water on the lot. He feels these changes will remedy the problem of water and debris covering the trail easement. Kenny also commented that the unusually wet spring and summer have made the problem on the easement worse than it would normally be.

Mansfield noted that additional culverts near the roadway and under the driveways serving Lots 2, 3 and 4 had not been installed. Pease suggested that Stamski and McNary survey the problem area and propose a solution. Freedman asserted that the culverts should be installed as shown on the original plan rather than attempting to provide alternative solutions that have not been given the same review as the original plan. Abend agreed, stating that during the approval process the Board had realized there would be drainage concerns on this marginal property and took extra care in reviewing the drainage plan.

Stumpf noted that the cul-de-sacs had not been loamed and seeded and ponding has occurred on the common driveway at Lot 6. Hara also noted that the catch basins should not have been cleaned until these cul-de-sacs were stabilized. Tobin stated that flooding has occurred along the trail easement to the end of the Lot 2 driveway and recommended review of grading and drainage along this entire length.

Kenny agreed to install the drainage structures as originally designed. He also requested copies of the last three sets of minutes of the meetings prior to and including those of the Hart Farm Estates Definitive Subdivision approval.

Request for discussion of potential Agreement for Judgment in litigation pending against the Town by AT&T Wireless et al., American Tower et al., and Matthew Hamor et al., re: decisions on variances by the Board of Appeals at 662 Bedford Road and 871 Bedford Road [Request of Town Counsel] (Executive Session)

The following parties in interest were present: Town Counsel Kim Saillant, Town Administrator Madonna McKenzie, Board of Selectmen Chair Doug Stevenson, Zoning Board of Appeals Chair Terry Herndon, David Duren of 662 Bedford Road. Abend stated that he is an abutter to the Duren property and recused himself from this discussion.

At 9:45 p.m. Freedman moved to go into executive session to discuss the potential Agreement for Judgment in litigation pending against the Town by AT&T Wireless et al., American Tower et al., and Matthew Hamor et al., re: decisions on variances by the Board of Appeals at 662 Bedford Road and 871 Bedford Road, and to return to regular session at the conclusion of this discussion. Abend seconded the motion. Board members were polled: Freedman-aye, Lane-aye, Hara-aye, Zinicola-aye, Holzman-aye, Abend-aye, and the motion carried unanimously.

(Duren and Abend left the room.)

At 11:55 p.m. Freedman moved and Zinicola seconded a motion to return to regular session. The Board was polled: Freedman-aye, Lane-aye, Hara-aye, Zinicola-aye, Holzman-aye, and unanimously approved the motion.

(Abend returned to the meeting.)

Peer review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for an 8-unit condominium, Laurel Hollow, at 302 Lowell Road (Map 21, Parcel 12), 2 units to be offered as affordable housing. (Application of MKCKMK, LLC, referred by Board of Appeals)

Holzman summarized a meeting he had with ZBA member Hal Sauer regarding the Laurel Hollow 40B application. Sauer expressed concerns over ZBA assuming roles normally under Planning Board and Conservation Commission authority. Holzman suggested that the ZBA condition approval on the following: 1) require complete plans conforming to the Planning Board's subdivision rules and regulations prior to approval, 2) require an as-built plan upon project completion, 3) require the developer to pay for a field engineer approx. 4-12 hours per week to review construction progress and completion, 4) require a landscaping plan, and 5) require applicant to pay for testing of development impact to neighboring wells.

Board members agreed that these conditions should be reiterated in writing and read at the public hearing. Holzman agreed to prepare a draft memo. Mansfield noted that Sauer plans to close the public hearing immediately upon opening it on September 3rd.

Request for extension of time to complete Wilkins Lane Definitive Subdivision Plan [Request of William Costello]

Abend moved to extend the time to complete the Wilkins Lane Definitive Subdivision from August 22, 2003 to December 1, 2003. Freedman seconded the motion and it carried 6-0.

Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics] – Review of parcel automation pilot

Mansfield reported that he looked over the pilot information with the Town Assessor and with the Cons. Com. Administrator. They each found some errors in delineation and wanted more time to review the data. Hara asked the PA to require their feedback this week and to forward comments to Applied Geographics immediately.

At 12:26 p.m. Abend moved to adjourn the meeting. Holzman seconded the motion and it carried 6-0.

Respectfully submitted,



Anja M. Stam
Administrative Assistant