



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

September 8, 2003

Fall Town Meeting warrant

Fall meeting schedule

ANR Plan: 875 West Street, Map 5, Lot 45, Richard Parker and Heidi Baxter, applicants

ANR Plan: 251 Fiske Street, Map 29, Lot 22, Douglas B. Torgersen, applicant

ANR Plan: 186 Rutland Street, Map 25, Lot 1, Richard Blanchard, applicant

**Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan
[Request of Michael Kenny]**

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)

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates] – update on consultant's work

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

Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – discussion of final report and meeting with Selectmen

Chair Louise Hara called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Rich Colman, David Freedman, Dan Holzman and Tom Lane were present. Phyllis Zinicola arrived at 7:45 p.m. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were also present. Member Michael Abend was not present this evening.

The minutes of 8/18/03 were reviewed. Freedman noted some typographical errors and made one clarification. He then moved to approve the minutes of August 18, 2003 as amended. Colman seconded the motion and it carried 5-0. The Board also reviewed the executive session minutes of the same date. Freedman asked that the location of the meeting be added to the minutes and then moved to approve the executive session minutes of August 18, 2003 as amended. Colman seconded the motion and it carried 5-0.

Bills

Mansfield noted that the Judith Nitsch Engineering bill for paving review at Hart Farm was still being held because Holzman had a question about it. The PA noted that Sandy Brock of JNEI would be present later this evening and the bill could be discussed with her then.

Freedman noted that the bill from Carol Thomas indicated that the housing report is 62% complete. He did not feel this was accurate and asked if the bill should be processed anyway. The PA suggested that the Steering Committee could review the bill with Thomas at their meeting on Thursday morning. Freedman could then provide the fourth signature if this issue is resolved.

Fall Town Meeting warrant

The PA informed the Board that the Selectmen will open the warrant at their meeting tomorrow and will close it shortly thereafter. Boards were asked to consider any possible articles and present them to the BOS immediately. The Planning Board agreed that any possible amendment to the Wireless Bylaw could not be prepared in time for the Fall Town Meeting. Special Town Meeting is currently scheduled for November 10th, but there is a potential conflict because the school is not available then or any other evening in November. Hara suggested that the Planning Board might wish to give a progress report at Town Meeting regarding the Wireless Study, the Community Development Plan and the GIS analysis.

Berry Corner Lane

Mansfield presented each Board Member with a copy of the Joint Pre-Trial Memorandum concerning Berry Corner Lane received in the Planning Board office this morning. He asked Board members to review this document and get back to him with any comments.

(Zincola arrived.)

Fall meeting schedule

The next Board meeting had already been scheduled for September 29. Subsequent meetings were scheduled for October 27, November 10, November 24 and December 8. The Board understands that the meeting on November 10 may be preempted by Town Meeting.

ANR Plan: 875 West Street, Map 5, Lot 45, Richard Parker and Heidi Baxter, applicants

Mansfield showed that the applicant proposed to divide this lot with over 500' of frontage into two buildable lots. Colman moved to endorse the Plan of Land in Carlisle, MA for Richard Parker and Heidi Baxter, 875 West Street, dated July 9, 2003, as approval not required. Zincola seconded the motion and it carried 6-0.

ANR Plan: 251 Fiske Street, Map 29, Lot 22, Douglas B. Torgersen, applicant

The applicant was present and explained that he is selling a two-acre portion of his lot with 250' of frontage. He plans to retain the remaining non-buildable portion. Colman moved and Zincola seconded a motion to endorse the Plan of Land in Carlisle, MA, 251 Fiske St., For Douglas B. Torgersen, dated August 11, 2003, as approval not required. The motion carried 6-0.

ANR Plan: 186 Rutland Street, Map 25, Lot 1, Richard Blanchard, applicant

Mansfield explained that the applicant had called to reserve time on the agenda last Tuesday, but the ANR plan was not brought into the PB office until Friday. At that time the PA reviewed the plan and discovered an abutter's identification, a pond and streams were not noted on the plan. The corrected ANR plan was returned today.

Blanchard then proceeded to describe the intent of the ANR and in doing so, noted that a stream had been incorrectly located on the plan. Mansfield noted that the engineer probably obtained his information from the Assessors' Map. Blanchard explained that he had had a private survey done on the property by a wetlands engineer recently, and his delineation was different than that shown on this ANR plan. Although the Planning Board is not concerned with the location of wetlands when endorsing an ANR plan, they advised the applicant to correct these locations on the plan for his own protection, since this will be a recorded document. Blanchard agreed to do so, and not to file the ANR plan until the next Board meeting.

Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan [Request of Michael Kenny]

The Board's engineer, Sandy Brock of Judith Nitsch Engineering was present. John Willett, builder and owner of Lot 2, and Steve Tobin, Chairman of the Trails Committee, were also present.

Brock presented a detailed topographical map of the cul-de-sac and Lot 3 indicating both the existing and proposed drainage solutions. Willett explained that Stamski and McNary produced this map in response to the concerns raised at the last PB meeting. Brock described how the existing culvert inverts would be adjusted to divert water under the driveways serving Lots 3 and 4 and into the wetland. She explained further that the culverts originally proposed near the roadway have been eliminated because the grading of the roadway situates the low point 50' from the pavement, which is where the existing culverts have been installed. Hara suggested that final grading on Lot 3 should be adjusted to direct water toward the culvert. Brock agreed.

Willett then explained his proposal for Lot 2. The driveway and leach field will be regraded to slope toward each other and water will travel down the west side of the driveway to a small basin. Water will then be directed under the driveway and under the adjoining trail easement through a 12" culvert. He proposed that this culvert be installed to angle behind the utility boxes and toward the next culvert on Lot 3. Willett estimated that this would eliminate approximately 75% of the water currently flowing onto the trail easement. Willett further proposed to stabilize the side slope of the trail easement and remove any siltation onto the trail by hand. Brock recommended a small hand-dug, stone-lined trench to direct water from the proposed culvert toward the next culvert on Lot 3. She approved of the proposed 12" culverts, but recommended that they have a smooth interior to discourage clogging.

Hara then asked about the grading of Lot 2 adjacent to the trail easement, noting that it is already steep and still requires approximately 4" of topsoil. Brock suggested pulling the toe of the slope back away from the trail easement and also cutting into the driveway shoulder to minimize slope. Holzman recommended mechanically stabilized soil such as EcoMat for the slopes, rather than burlap. Brock recommended several other manufacturers and noted that they can supply stabilizers for specific slope requirements.

Brock provided the Board with a breakdown of the estimated \$10,000 for completion of the remaining work. Given that the developer still owes the Town money for engineering review, the Board opted to take no action on his request for a bond reduction at this time, since the Subdivision Rules and Regulations allow this discretion..

Holzman then asked Brock about the bill for asphalt inspection at Hart Farm and wondered why an engineer had been sent for this work rather than a technical assistant. Brock agreed that generally this work does not require an engineer, but in this case, Maher was available when the call to inspect came in, so he reviewed the work himself. Brock also explained that because JNEI was responsible for prematurely declaring the project complete, she would conduct all follow up review work on the culverts at no charge. She stated that while she does not mind speaking directly with a developer, she prefers that all communication be directed through her client, the Planning Board. The Board agreed that this should be the standard procedure.

Finally, Brock noted that grading must still be reviewed on Lots 2, 7 and 8. She will provide the PB staff with an additional estimate for this outstanding review work.

(Holzman left the meeting.)

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)

Abutter Sean Flynn of 107 Woodbine Road was present for this discussion.

Mansfield reported that he, Hara and Freedman represented the PB at the ZBA hearing on 9/3/03. At that time, the ZBA had planned to close the public hearing, but the PB, Cons Com and BOH representatives convinced the board to keep the hearing open to allow time to review the landscaping plan which had just been submitted that day. Although the landscaping plan addressed some concerns raised in earlier meetings, the land use boards still considered the presented plan an outline, rather than a comprehensive plan.

Mansfield presented the most recent plan to the Board noting that no landscaping had been proposed to stabilize the steep slope between unit 1A and the detention pond. He also pointed out that the fire cistern is located next to the driveway at Lowell Road, and a four-foot high concrete block retaining wall will be located directly behind it. Because the cistern cannot be planted with anything other than grass, the wall will be visible from the road, and no screening is provided.

The PB also advised the ZBA that Lowell Road is scenic road and the site must be reviewed under the scenic roads act. The applicant believes that there are no walls or trees within the roadway right-of-way, but Mansfield noted that there is a stone wall running perpendicular and close to the roadway near the southern property line. The tree warden would be responsible for determining whether trees and walls are within the right-of-way and if a public hearing should be held. The ZBA determined that it could grant approval of the special permit independent of a scenic road hearing.

Flynn noted that the landscaping plan did not show screening for all abutters. He also expressed skepticism at the accuracy of the hand drawn plan and asked if it meets Planning Board standards. Freedman read directly from the minutes of the ZBA meeting at which he stated that the plans were inadequate for proper review by an engineer. Flynn asked why the ZBA had accepted the plan against the advice of the Planning Board. Zinicola suggested that the ZBA might condition approval on a requirement for a more complete landscaping plan.

Hara said that she is most concerned about stabilization of the steep slope, screening to the abutters, and salt and sand runoff from the driveway creating a harsh environment for the plants. She suggested preparing a formal letter to the ZBA stating that the landscaping plan must: 1) show more detail of the trees intended to provide screening to the abutters, 2) show how rural vistas are maintained, 3) indicate materials which will grow and survive in the proposed environment, 4) use non-invasive species along roadway to maintain sight distances, and 5) show how the steep slopes will be stabilized.

Flynn noted that the BOH is still concerned about the water supply, therefore, plants requiring little or no irrigation should be considered. Hara agreed noting that native species are indicated on the plan and should require little care once established.

In a note to the PA, ConsCom Administrator Sylvia Willard suggested that the slope in front of Unit 1A should be planted with shrubs to prevent use as a sledding hill onto Lowell Road.

Abutter Jane Brewer could not be present this evening, but reviewed the plans in the office with Mansfield today. She asked the PA to relay her concerns as follows: 1) the plan should be reviewed by a professional landscape architect, 2) the mature heights of trees intended for screening should be shown, 3) the backs of the units should be screened from the abutters.

Mansfield read the PB's landscaping requirements from the subdivision rules and regulations. The Board agreed that the plan should meet these minimum standards.

Zinicola suggested that if a detailed landscaping plan is not submitted prior to approval, then it should be a condition of approval. Such plan should comply with the PB's subdivision rules and regulations with particular attention given to the concerns expressed by Hara and Brewer. A professional landscape engineer hired by the Town and reporting to the Planning Board should then review this plan. No building permit should be issued until these conditions are met.

Freedman suggested that approval should also be conditioned upon submission of an as-built plan, which would be reviewed by the Planning Board, and its engineer. The Board further agreed that the conditions suggested by Holzman at the 8/18/03 PB meeting be included as well. Hara asked the PA to forward a copy of the recent 40B decision in Concord to the ZBA as an example of the types of conditions that may be placed on approval. Zinicola noted that the Concord decision included a deed restriction to maintain affordability of the units for a certain number of years, but she recommended that Carlisle should require a perpetual deed restriction.

The Board expressed concern over Town Counsel's apparent urging to close the public hearing and begin deliberations. Board and staff members who attended training sessions for Planning and Zoning Boards had been advised to keep hearings open during deliberations in order to request input and clarify issues if necessary. Zinicola, again disclosing that she is employed by Mass Housing, noted that 40B applications generally undergo a one to two year review process. She was surprised at the ZBA's rush to close the public hearing and agreed to speak with Town Counsel Richard Hucksam about the Board's concerns regarding this process.

Given the ZBA's desire to close the Laurel Hollow public hearing on Thursday 9/11/03, Board members agreed that it would be best to draft conditions for the ZBA to include in its approval of the special permit. With the limited amount of time, the Board gave Hara and the PA authority to draft the conditions and forward them to the ZBA prior to their meeting. Hara agreed to draft these as soon as possible and circulate them to the Board for review. She will also impress upon the ZBA that the Planning Board would like more time to properly review and comment on this application, and would prefer to keep the hearing open.

Flynn asked if he should contact the tree warden regarding the Scenic Road Act and the Public Shade Tree Act. Mansfield thought this would be a good idea since Davis had reviewed the plan for drainage, but had not been asked to review the trees and stone walls within the right-of-way.

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates] – update on consultant’s work

Freedman reported that the Steering Committee met on Thursday and will meet again this coming Thursday with Carol Thomas. The committee is working to direct and assist the consultant in preparing an appropriate housing plan.

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

Hara asked the PA to contact Applied Geographics and encourage them to provide the information as soon as possible.

Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – discussion of final report and meeting with Selectmen

Mansfield gave Board members a black and white, hard copy of the wireless study to have before them at Tuesday’s meeting with the Board of Selectmen. The Board agreed that it must have direction from the BOS on how they should proceed with this information.

At 10:50 p.m. Zinicola moved to adjourn the meeting. Freedman seconded the motion and it carried 5-0.

Respectfully submitted,



Anja M. Stam
Administrative Assistant