



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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

MINUTES September 29, 2003

- Review of drainage issues at Lot 2, Hart Farm Estates [Request of John Willet]
- ANR Plan: 186 Rutland Street, Map 25, Lot 1, Richard Blanchard, applicant
- Discussion of "informal conceptual plan" for subdivision (ANR) of land abutting South Street, West Street and Pope Road (a.k.a. "Benfield Property," 178 acres), Map 5, Parcels 7, 17, 47, 48 & 51 [Request of South Street Nominee Trust]
- ANR Plan: Off South Street (SW), Map 5, Parcel 7, South Street Nominee Trust, applicant
- ANR Plan: Abutting South Street and West Street, including 967 West Street, Map 5, Parcels 47, 48 and 51, South Street Nominee Trust, applicant
- ANR Plan: Abutting West Street and Pope Road, Map 5, Parcel 17, South Street Nominee Trust, applicant
- Discussion of "informal conceptual plan" for subdivision of land abutting South Street (a.k.a. "Larsen Property," 14.3 acres), Map 5, Parcel 9 [Request of Michael Malouf]
- Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan [Request of Michael Kenny]
- Review of applicability of Scenic Road statute and bylaw to removal of stone wall and trees at 511 Brook Street of construction of septic system [Notice from Board of Health]
- Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates] – vision statement
- Fall Town Meeting warrant
- 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 additional extension of time to complete Pine Meadow Definitive Subdivision Plan (Davis Road, Map 13, Lots 76-1 through 76-15) [Request of William Costello]
- 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] – Wireless Study Ad Hoc Steering Committee
- Review of requirements for completion of Common Driveway Special Permit at 76-104 Sunset Road (Permit issued 5/08/00 to Matthew and Jennifer Corbett)
- CPTC Courses

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

Review of drainage issues at Lot 2, Hart Farm Estates [Request of John Willet]

John Willet, developer of Lot 2, was present for this discussion.

Willet explained that Michael Kenny has lowered the culvert on Lot 3 as discussed and agreed to at the August 18, 2003 Planning Board meeting. At that meeting, Willet also agreed to remedy flooding of the trail easement by: 1) repaving the driveway on Lot 2 to slope away from the easement and toward the house, 2) installing a culvert under the Lot 2 driveway and trail easement to direct runoff along the inside of the drive, under it and toward the culvert on Lot 3, and 3) stabilizing the side slopes of Lot 2 to prevent erosion onto the trail easement. Willet explained that he would use a product called Enka-mat® to do so.

This evening, Willet proposed an additional remedy to further control water runoff in the subdivision. He noted that the original plans included a swale at the front of Lot 2 to channel runoff from Lot 1, but Willet suggested installing a pipe along the front of Lot 2 in order to direct Lot 1 runoff to the culvert under the Lot 2 driveway and ultimately through the culvert on Lot 3. He presented a plan prepared by Joe March of Stamski and McNary and discussed over the phone with the Board's engineer, Sandy Brock.

Hara had visited the site and asked if Willet could extend the culvert under the trail easement slightly to allow better pedestrian passage. Holzman also noted that the invert to the culvert on Lot 3 was at nearly the same elevation as the rear portion of the trail easement. He was concerned that water would flood the easement rather than flow toward the pipe. Willet explained that he intends to hand dig a trench between the easement and the Lot 3 culvert and line it with crushed stone in order to direct the runoff as intended. Board members were still concerned that the trail easement could flood and suggested raising the trail a few inches by cutting into the slope on Lot 2 and using it as fill on the easement. Trails Committee Chair Steve Tobin was in the room for another discussion, and Hara called him forward to view the plan. Hara, Willet and Tobin agreed to meet at the site to fine tune the grading issues in this area. The Planning Board agreed to Willet's proposed design change subject to review by the Board's engineer.

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

The applicant was present and explained that the revised plan now correctly shows the wetlands as delineated by his engineer, David Crossman. This ANR creates two new building lots in addition to the existing home. **Zinicola moved to endorse the plan of land in Carlisle, MA prepared by Stamski and McNary for Richard Blanchard dated 8/26/03, as Approval Not Required.** Lane seconded the motion and it carried 5-0-1 with Abend abstaining.

Discussion of "informal conceptual plan" for subdivision (ANR) of land abutting South Street, West Street and Pope Road (a.k.a. "Benfield Property," 178 acres), Map 5, Parcels 7, 17, 47, 48 & 51 [Request of South Street Nominee Trust]

Frank Stewart of Northland Residential Corporation in Newton, MA introduced the following attendees who were instrumental in preparing this plan: Peter Crabtree of Northland, Rob Gemma of Metrowest Engineering, property owners Peter and Michael Benfield, and Marge Getchell of South Street Nominee Trust, the current property holder. The following members of the public were also present: Alan Carpenito, Mary DeGarmo, Nancy and Tim Fohl of South Street; Steve Spang of Fiske Street; Sally Swift of River Road; Fred Seward and Michael Epstein of Spencer Brook Road; George Foote of Judy Farm Road; Leslie Cahill of Lowell Road; Greg Peterson of Indian Hill Road; Ken Harte and Art Milliken of Estabrook Road; Steve Tobin of Partridge Lane; Jonathan Beakley, Heidi Haring and Jic Davis of West Street; Alex Parra and Sylvia Willard of Bellows Hill Road; Fontaine Richardson of Skelton Road; Jay Luby of Woodbine Road; Carolyn Kiely of Hartwell Road; Brigitte Senkler of Curve Street; Steve Hinton of East Street; Peter Waksman of Minot Road, Concord, and Jack Dawley of Huron Road, Acton.

Stewart explained that over the past five years, the developers have been working closely with the Carlisle Conservation Foundation to plan development using "smart growth" principles. The current conceptual plan protects 121 of the 178 acres from development. Stewart showed the plan proposing 14 homesites, which includes one existing home. These sites are planned for estate homes and average approximately nine acres per lot. Stewart noted that Rob Gemma has conducted soil tests on all sites, but the Board of Health has not yet reviewed and confirmed these tests.

Stewart also explained that the Benfield family has worked directly with the Carlisle Conservation Foundation (CCF) to draft perpetual conservation restrictions and deed restrictions preventing further subdivision in the future. These have been reviewed by Joel Lerner of the State DEP's Conservation Office, have been signed by all parties, and are being held in escrow pending completion of the Town's permitting process. South Street Nominee Trust will present three ANR

applications this evening and if endorsed, the applicant will submit applications for three common driveways in the near future.

Stewart recognized CCF members Greg Peterson, Michael Epstein, Alex Parra and President Art Milliken. Peterson came forward to show a map of the protected open space in the area, including land in the abutting towns of Acton and Concord. He showed how the proposed conservation restrictions would help form a corridor for wildlife and for trails.

Abend asked for a definition of "non-buildable" within the conservation restriction areas. Stewart explained that only common driveways would be permitted in this area and possibly a slight encroachment of a leaching field if necessary. The forested areas may not be cut and the intent is to preserve the view from the road. The CCF would have enforcement authority of the conservation restrictions. Lane asked when these restrictions would take effect. Stewart said that all documents have been signed and notarized, but will not be executed until the entire permitting process is completed and the Town has reviewed the conservation restriction documents. The lots may not be sold until the restrictions are in place.

Freedman asked if there are any stone walls within the conservation restrictions. Stewart said there are and noted that in some instances existing stone walls will be used to delineate property boundaries and restricted areas.

Recognizing that it was an unpopular issue, Hara noted that the Planning Board's consultant had recommended a wireless communication facility in this part of Carlisle and asked if there might be a feasible location on this property. Stewart stated that the developers are aware of this issue, but have not set aside land for this purpose and would prefer not to. This issue can be discussed further with the Board of Selectmen when the conservation restriction documents are reviewed. Mansfield noted that the wireless study is available on the Town web site or in the Planning Board office.

Steve Tobin of the Trails Committee asked if it would be possible to establish trails to link up with trails in Acton. Peterson said this was difficult to answer because the status of the open space in Acton is unclear at this time.

Mary DeGarmo expressed concerns about common driveways and sight lines along both West Street and South Street. The Board assured her that this would be reviewed during the hearing for the common driveway applications.

Peterson concluded by thanking the Benfield family and all involved for their tremendous efforts and time spent on this project.

ANR Plan: Off South Street (SW), Map 5, Parcel 7, South Street Nominee Trust, applicant

Abend moved to endorse the plan of land prepared by Metrowest Engineering for South Street Nominee Trust, "Parcel A," dated 9/10/03, sheet 2 of 2 as approval not required. Freedman seconded the motion and it carried 6-0.

ANR Plan: Abutting South Street and West Street, including 967 West Street, Map 5, Parcels 47, 48 and 51, South Street Nominee Trust, applicant

Abend moved to endorse the plan of land prepared by Metrowest Engineering for South Street Nominee Trust, "Parcel B," dated 9/10/03, sheet 2 of 2 as approval not required. Lane seconded the motion and it carried 6-0.

ANR Plan: Abutting West Street and Pope Road, Map 5, Parcel 17, South Street Nominee Trust, applicant

Abend moved to endorse the plan of land prepared by Metrowest Engineering for South Street Nominee Trust, "Parcel C," dated 9/10/03, sheet 2 of 2 as approval not required. Lane seconded the motion and it carried 6-0.

Minutes

The minutes of 9/8/03 were reviewed. Hara made one clarification. Freedman then moved to approve the minutes of September 8, 2003 as amended. Lane seconded the motion and it carried 5-0-1 with Abend abstaining. The Board also reviewed the minutes of the Special Joint Meeting with the Board of Selectmen on 9/9/03. Freedman added several details to the third paragraph, which summarized the wireless study. Abend moved to approve the minutes of the Special

Meeting with the Board of Selectmen held on September 9, 2003 as amended. Zinicola seconded the motion and it carried 6-0.

Discussion of "informal conceptual plan" for subdivision of land abutting South Street (a.k.a. "Larsen Property," 14.3 acres), Map 5, Parcel 9 [Request of Michael Malouf]

Michael Malouf was present with his engineer, Calvin Mabvurunge of Goldsmith, Prest and Ringwall. They did not present a conceptual plan, but Malouf asked the Board if it would consider endorsing a plan with wetland along the entire frontage of a lot. Mabvurunge noted that the wetland is narrow and fill for a crossing is not insurmountable. Abend stated that the Board has had similar situations in the past, and based on case law, the Board was advised by Town Counsel that such a plan could not be endorsed. Mabvurunge asked if the Board could endorse a plan that would require a wetland crossing in the middle of the lot, but not along the frontage. Abend explained that if the lot can be accessed in any way, the Board could endorse it. Malouf asked if the Board requires a minimum depth of frontage before encountering an obstacle to access. Abend said that the Board has not contemplated this issue in the past and could not advise him without more detail and review.

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

The Board reviewed a letter from Michael Kenny dated 9/26/03, and received in the Planning Board office today. In the letter, Kenny states that he has lowered the culvert as agreed to at the August 18, 2003 Planning Board meeting and he requests a release of the remaining security for Hart Farm Estates. Hara met the Board's engineer, Sandy Brock, on-site today and confirmed that the pipe had been lowered. Holzman asked if the pipe elevation had been measured with an instrument. Hara said it had not. Other Board members noted that Brock would still conduct a final review of the as-built plan, which should ascertain this information.

The Board then discussed the remaining \$50,000 security for subdivision completion and the remaining work. Zinicola then moved to return \$25,000 from the Hart Farm Estates security account to the applicant. Abend seconded the motion. Freedman moved to amend the motion and return \$30,000 to the applicant. Hara seconded the amended motion. Hara called for a vote on the amended motion, but with a vote of 3-3 it failed to carry. Freedman, Hara and Lane voted in favor of the amended motion and Abend, Holzman and Zinicola voted against. The chair then called for a vote on the original motion made by Zinicola and it carried 6-0.

Review of applicability of Scenic Road statute and bylaw to removal of stone wall and trees at 511 Brook Street of construction of septic system [Notice from Board of Health]

Scott Henderson of 511 Brook Street was present. Henderson explained that after his septic system was approved by the Board of Health and installed as designed, the BOH received a complaint from a neighbor. At that time the BOH was made aware that Brook Street is a scenic road and therefore, a scenic road hearing should have been held if trees or an existing stone wall were removed from within the right-of-way. Henderson showed his septic plan which indicated that the original stone wall had been on his property and not within the right-of-way. He stated that the new concrete retaining wall is approximately three feet from the edge of the roadway pavement. Mansfield produced copies of previously endorsed ANR plans showing the old stone wall on the property line of the right-of-way. The Board studied the various plans and determined that the original wall and at least one of the trees had been on the right-of-way boundary and therefore required a scenic road hearing. The Board suggested that Henderson meet with his neighbors to discuss possible aesthetic remedies such as planting or facing the wall. Henderson was also directed to work with the PA to post and advertise a public hearing for October 27, 2003 at 8:00 p.m.

Bills

The Board agreed to renew its subscriptions to *Plan Wireless* and *ordinance.com*. Freedman and Hara asked to be added to the list of users for *ordinance.com*.

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates] – vision statement and Fall Town Meeting warrant

Freedman explained that the Community Development Plan Committee would like to prepare a vision statement for the Town of Carlisle to be voted on at Town Meeting. The vision statement has not been finalized, but Freedman requested a placeholder on the warrant.

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)

Mansfield explained that the ZBA will prepare their draft decision with conditions at their meeting on October 1st and will allow feedback from other Town Boards through Wednesday October 8. The Board asked the PA to obtain this draft electronically if possible so that it may be forwarded to Planning Board members via e-mail. Board members will review the draft individually over the weekend and meet on Monday October 6 at 8:00 p.m. to prepare a recommendation to the ZBA.

Request for additional extension of time to complete Pine Meadow Definitive Subdivision Plan (Davis Road, Map 13, Lots 76-1 through 76-15) [Request of William Costello]

Abend is an abutter to this property and recused himself from this discussion.

Freedman moved to extend the time to complete the Pine Meadow Definitive Subdivision Plan to December 1, 2003. Lane seconded the motion and it carried 5-0.

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

Freedman moved to extend the Town's contract with Applied Geographics to December 31, 2003. Zinicola seconded the motion and it carried 6-0.

Review of requirements for completion of Common Driveway Special Permit at 76-104 Sunset Road (Permit issued 5/08/00 to Matthew and Jennifer Corbett)

The PA reported that this common driveway seems to have been built although the plan was never recorded. The house that was vacant at the time the common driveway permit was issued, has now been sold with no record of the common driveway in the deed. Hara suggested that the PA send letters of explanation to the Corbetts who have since moved to Harvard, MA, and to the two new owners of the lots. The letters should advise them that their engineer must prepare an as-built plan and have it reviewed by the Planning Board's engineer. The original plans and common driveway documents must also be recorded at the registry of deeds.

CPTC Courses

The PA suggested that Board members review the list of course offerings and at least one member should plan to attend a session. He noted that completion of these courses allows the Town to receive insurance discounts.

At 11:30 p.m. Abend moved to adjourn the meeting. Lane seconded the motion and it carried 6-0.

Respectfully submitted,



Anja M. Stam
Administrative Assistant