



Town of Carlisle

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Office of
PLANNING BOARD

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MINUTES
December 8, 2003

Continued Joint Public Hearing with Carlisle Tree Warden of request to review removal of approximately 100 feet of stone wall and one or more 30-inch pine trees within the right of way adjacent to 511 Brook Street, under provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Scott Henderson]

Request for release of Lot 2A from covenant for Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lot 18C) [Request of Ira Gould]

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 8 condominium units of attached housing on three existing lots, to be known as "Carlisle Woods," on Carlisle Street, adjacent to 926 Maple Street (Map 24, Parcels 18, 19 & 20), 2 units to be offered as affordable housing. (Application of Massapoag Real Estate Development Corp, referred by Board of Appeals)

Budget

Associate Members

Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – Wireless Study Ad Hoc Steering Committee

Request for certificate of completion and release of security for Pine Meadow Definitive Subdivision Plan (Davis Road) [Request of William Costello]

Request for certificate of completion and release of security Wilkins Lane Definitive Subdivision Plan [Request of William Costello]

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

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

Chair Louise Hara called the meeting to order at 8:00 p.m. in the Clark Room at Town Hall. Board Members Michael Abend, David Freedman, Dan Holzman, Tom Lane and Phyllis Zinicola were present. Member Rich Colman was not in attendance this evening. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present. *Mosquito* Reporter Ali Walsh introduced herself and was present for the regular session of the meeting.

Continued Joint Public Hearing with Carlisle Tree Warden of request to review removal of approximately 100 feet of stone wall and one or more 30-inch pine trees within the right of way adjacent to 511 Brook Street, under provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Scott Henderson]

Tree Warden and DPW superintendent Gary Davis could not attend the public hearing this evening due to the continuing clean-up required after the weekend snow storm. The applicant was present with engineers Tony DelGaizo and Fred Fish of Raggs, Inc. Abutters Nancy Weiss of 523 Brook Street and Henry Cox of 243 Brook Street were also present.

Henderson introduced the engineers from Raggs, Inc. who designed the retaining wall for the septic system. DelGaizo explained that before the retaining wall was installed, a fieldstone wall had been in place atop an embankment at the same location as the new concrete wall. He noted that the new fill in front of the wall is at approximately the same elevation as the preexisting embankment, but the concrete now extends approximately four feet above this elevation. DelGaizo explained that the fill currently slopes evenly from the wall to the edge of the roadway pavement, but proposed creating a level shoulder approximately three feet wide next to the pavement and placing the soil removed from this area against the retaining wall to cover an additional one foot height of the wall. The fill profile would then approximate an "S" shape. He noted that it would not be possible to create such a level area where the wall is only four feet from the pavement. Here he proposed stabilizing the 1:1 slope with staked sod. DelGaizo recommended shrubs in front of the wall where it is set back

from the road, and ivy to cover the wall where space is limited. Cox mentioned that, unfortunately, the steepest part of the shoulder without a level area coincides with the narrowest portion of the roadway.

Hara asked the engineer if these proposed changes would alter the integrity of the retaining wall, and DelGaizo assured her that the four-foot footings and buried ends of the wall ensure it will remain in place. Additionally, a solid plastic liner covers the back of the wall to prevent any potential leakage of effluent. Zinicola asked if DelGaizo was aware of the crack noted by the Planning Administrator. DelGaizo had inspected the crack and stated that it is due to settling, but would not alter the integrity of the wall. Weiss noted that a portion of the wall is already crumbling. DelGaizo was not aware of this and agreed to inspect it again.

Abend was concerned about liability should the wall collapse into the Town's right-of-way. Freedman noted that the BOH would require immediate repair of the wall and Holzman added that the BOH's engineer has already inspected and approved the installation of the wall. Other Board members were not concerned about the Town's liability.

Henderson then addressed the aesthetics of the wall and presented a hand drawn landscaping plan. He proposed English ivy along the top and bottom of the wall and mountain laurel and azalea in front of wall where width allows. He also proposed forsythia at points on top of the wall to break up the line and cascade over the wall. Henderson also planned to use blue rug juniper extensively along the top of the wall. Hara asked if the Board of Health had approved these planting suggestions. Henderson was not aware that this would be a BOH concern. Holzman advised him that the BOH had a list of plants with invasive roots that are prohibited on the leach field. He advised Henderson to consult with the BOH agent regarding acceptable plants for the top of the wall. The Board agreed with Holzman and asked Henderson to have his planting choices approved by the BOH.

Hara noted that ivy will be bare in the winter and asked if Henderson had considered refacing the wall in some way. Henderson said that both sand blasting and stone facing were expensive options and he chose to hide the wall with landscaping. Henry Cox noted that there is a new home on Carriage Way with a similar retaining wall, but it has attractive facing. He was skeptical of the viability of plantings along the base of the wall.

Henderson explained that he is planning to sell the property, but cannot obtain a certificate of completion on his septic system until this scenic road issue is resolved. The Board recognized that planting may not be done until the spring so Hara asked Henderson to finalize a plan and obtain a cost estimate for installation. The applicant may then deposit a bond with the Town to ensure completion of the work, and the Planning Board can then advise the BOH to issue the certificate of completion.

Weiss enumerated several concerns regarding the retaining wall: 1) She preferred to have evergreen plants to hide the wall, 2) she thought that only a field stone facing, not brick, would be in character with the neighborhood, 3) she asked that the Town establish the correct property line, and 4) she noted that the original field stone wall was not replaced along a section of frontage where the new retaining wall is set back further onto Henderson's property. She explained that when she had work done on her property, she spent considerable time and money to do the work correctly and to rebuild the fieldstone wall along her frontage as required by the DPW superintendent. She expected that the same should be required of Henderson.

Freedman asked Henderson to research options and prices for refacing the retaining wall. Holzman asked if sandblasting should be considered an option. DelGaizo recommended against sandblasting and suggested refacing would be a better option. He also suggested that refacing should be done in the spring in case further settling of the retaining wall should occur over the winter.

Hara asked Henderson to bring a plan and cost estimate for landscaping and refacing the wall to the next meeting. She also asked Henderson to replace the portion of the fieldstone wall along the property line that was originally in front of the current location of the retaining wall. Abend suggested consulting Gary Davis regarding placement of this wall.

Abend moved and Freedman seconded a **motion to continue the public hearing to 8:00 p.m. on January 12, 2004.** The motion carried 6-0.

Abend said he would not be able to attend the Planning Board meeting on 1/12/04.

Request for release of Lot 2A from covenant for Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lot 18C) [Request of Ira Gould]

The applicant was present for this discussion.

Gould explained that this lot is on the subdivision road and contains the preexisting home, formerly known as 195 Rutland Street. He added, that seven lots remain for security. According to LandTech's last inspection in April 2003, less than \$95,000 of improvements remain to be completed. Recognizing these facts, Abend **moved to release Lot 2A from the covenant for Great Brook Estates Definitive Subdivision Plan.** Freedman seconded the motion and it carried 6-0.

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 8 condominium units of attached housing on three existing lots, to be known as "Carlisle Woods," on Carlisle Street, adjacent to 926 Maple Street (Map 24, Parcels 18, 19 & 20), 2 units to be offered as affordable housing. (Application of Massapoag Real Estate Development Corp, referred by Board of Appeals)

Jianchang Li of 926 Maple Street was present for this discussion.

Holzman reported that he and Freedman attended the Zoning Board of Appeals meeting on December 4th. At that meeting the ZBA indicated that they would be using the services of Town Counsel Richard Hucksam in the same capacity as the previous 40B application. The ZBA did not seem interested in hiring a facilitator, but would be requiring some outside consultant services to review plans. The applicant provided additional documentation to the ZBA at the opening of the public hearing. Holzman said that there was considerable discussion over site control, but Town Counsel seemed to think that they could proceed if the applicant could show the right of access to the site. Roy Watson of ConsCom was in attendance also, and stated that the wetlands on this site had not been mapped. Selectman Vivian Chapat gave an account of past difficulties encountered in attempting to subdivide and develop this site. According to Holzman, the developer maintains that the paper street provides the necessary frontage to develop the site. Holzman also explained that only direct abutters to the site were notified of the public hearing. Other abutters were upset because they abut the paper street, but were not sent notice.

Zinicola asked if the ZBA understands that a facilitator assists the Board in the permitting process and in determining proper jurisdiction. Mansfield noted that the PB has advised the ZBA of the availability and need for a facilitator on a number of occasions. Zinicola explained that Massachusetts Housing Partnership requires facilitator requests at the beginning of a new application and is not likely to provide assistance once the process is underway. Again, the PA said that this was made clear in the Board's memo to the ZBA. Mansfield explained further that the issue of hiring a facilitator for the next 40B application was brought up at a Selectmen's breakfast about a month ago, and again at a department heads meeting last week. At both meetings, Selectmen assured staff that they will be hiring a facilitator, but the request must come from the ZBA, not the BOS.

Freedman stated that the ZBA's public hearing regarding Carlisle Woods was continued to January 15, 2004.

Minutes

The minutes of 11/24/03 were reviewed. Freedman **moved to approve the minutes of November 24, 2003 as drafted.** Zinicola seconded the motion and it carried 5-0-1 with Abend abstaining. The Board also reviewed executive session minutes of the same date. Lane wished to make one clarification and the Board agreed to discuss it at the end of the meeting in executive session.

Budget

The Board reviewed the FY05 budget guidelines prepared by FinCom and received in the PB office last week. Mansfield noted that FinCom is proposing an overall increase of 0.5% from FY04 while the salary line item shows an increase of 2% as preliminarily set by the Selectmen. He explained that the salary increases put the budget in a deficit of \$841, which FinCom expects the Board to cut from other line items to produce a guideline budget. FinCom also invited Town

departments to present a level services budget. Mansfield suggested that the PB might be able to justify an increase above the 0.5% because several applications for large developments and 40B projects are expected in the near future.

The Town Administrator also asked departments to review potential need for small capital expenses. Hara suggested that the PA consult with Applied Geographics to determine a budget for the Town for computer, printer or software upgrades and licenses to properly utilize the new GIS technology.

Associate Members and Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – Wireless Study Ad Hoc Steering Committee

Hara reported that the appointment of the Planning Board's associate members is on the Selectmen's agenda tomorrow night at 9:00 p.m. The Wireless Ad Hoc Committee will also be giving a report to the BOS at 8:00 p.m. Hara, Lane and Freedman expected to attend the meeting 8:00 p.m. and Zinicola and Holzman said they could arrive at 9:00 p.m.

Mansfield also reported that the Board of Selectmen has scheduled an "All Boards Meeting" on December 16, 2003. Freedman, Lane and Hara said they could attend.

Request for certificate of completion and release of security for Pine Meadow Definitive Subdivision Plan (Davis Road) [Request of William Costello]

Mansfield reported that a site visit has been scheduled for next Monday 12/15, depending on weather conditions.

Request for certificate of completion and release of security Wilkins Lane Definitive Subdivision Plan [Request of William Costello]

Mansfield reported that the Board's engineer visited the site last week and reported orally that there are some outstanding grading and landscaping issues. The PA will inform the applicant when a written report is in hand.

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

Mansfield informed the Board that the original approval for this subdivision expired in June 2003 and was extended to August 29, 2003, but no further extension was requested. He suggested that the Board act to retroactively extend the approval.

The PA then showed the Board the final as-built plan dated December 5, 2003 and noted that all punch list items identified in August have now been completed. The Board also reviewed Maher's report and follow-up e-mail certifying completion of the subdivision. Mansfield noted that Lots 2 and 7 still require individual lot grading plans and review.

Freedman asked why one of the bounds is located three inches below ground. Holzman explained that a surveyor could locate these bounds with metal detectors and Hara said that in this area it is better to have the bound below grade to avoid interfering with snow plowing.

In his report, Maher noted that no layout plan of the roadway has been submitted, and that the portion of the roadway in the Daniels Lane cul-de-sac, rebuilt last summer, has not been exposed to a winter season. The Board agreed to waive these two requirements.

Holzman moved to extend approval of the Hart Farm Estates Definitive Subdivision Plan to December 31, 2003. Zinicola seconded the motion and it carried 6-0.

Abend then moved to release the balance of the security for Hart Farm Estates Definitive Subdivision, waiving Section 7.B.(1)(a) of the Subdivision Rules and Regulations, which requires a roadway layout plan and instead, accepting the as-built plan dated December 5, 2003; and also waiving Section 7.B.(1)(d), which requires exposure of the wearing course to one winter season, given that Daniels Lane is a common driveway and will not become a public way. Freedman seconded the motion and it carried 6-0.

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

Mansfield reported that he, ConsCom administrator Sylvia Willard and Assessor John Speidel will meet with Vicky Tam of Applied Geographics on Friday 12/12/03 to review the first draft of the digital parcel data layer.

(Abend left the meeting.)

At 10:25 p.m., Freedman moved to go into executive session to discuss corrections to the executive session minutes of November 24th, and wireless litigation, not to return to regular session. Zinicola seconded the motion. The Board was polled: Lane-aye, Zinicola-aye, Hara-aye, Freedman-aye, and Holzman-aye. The motion carried unanimously.

At 10:45 p.m. Freedman moved and Zinicola seconded a motion to adjourn. The Board was polled: Lane-aye, Zinicola-aye, Hara-aye, Freedman-aye, and Holzman-aye, and the motion carried unanimously.

Respectfully submitted,



Anja M. Stam
Administrative Assistant